

Charles University

Faculty of Social Sciences

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DIPLOMA THESIS

2014

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FACULTY OF SOCIAL SCIENCES

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**The northward path of ambition: The Northwest
Passage and why Canada needs to re-embrace liberal
internationalism in the Arctic**

Diploma thesis

Prague 2014

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Introduction

The purpose of this thesis is to analyze Canada's current Arctic foreign policy, with a focus on its efforts to claim the Northwest Passage as internal waters, from a critical perspective. The ultimate conclusion will be that Canada should move away from its current complex neorealist approach and re-embrace liberal internationalism in order to formulate the most effective Northwest Passage regime.

In his book *The Northward Course of Empire*, Arctic hero Vilhjalmur Stefansson wrote that through history, the North had become increasingly more important. Global power had shifted more and more Northward from Babylon and Alexandria to Paris, London, and New York. He argued that while man as an animal was indeed tropical, advances in technology brought with it the ability and desire to move North. While it is currently thought by a majority that civilization has moved as Northward as possible, one must note that civilizations in the past had the same belief proven wrong.¹ Indeed, Stefansson believed that commercial progress made civilization capable of developing anywhere on the globe:

We have not come to the limit of commercial progress. There was many a pause but no stop to the westward course of empire until we came to the place where East is West. In that sense only is there a northward limit to progress. Corner lots in Rome were precious when the banks of Thames had no value; the products of Canada were little beyond furs and fish when the British and French agreed in preferring Guadelupe. But values have shifted north since then and times have changed. Times will continue to change. There is no northern boundary beyond which productive enterprise cannot go till North meets North on the opposite shores of the Arctic Ocean as East has met West on the Pacific.²

¹ Vilhjalmur Stefansson, *The Northward Course of Empire* (Harvard:Harcourt, Brace and Company, 1929), pp.1-20.

² Stefansson, pp.19.

Stefansson called this the “path of supremacy,” and all signs seem to indicate that due to climate change and improved technology, development in the Arctic is becoming a real possibility. Resources like oil and gas among others are abundant and more accessible, and the melting sea ice is resulting in increasingly traversable seaways. One of the northern seaways that is attracting a considerable attention is the Northwest Passage.

Seen as a valuable shortcut from Europe to Asia, the Northwest Passage could become an important shipping route, and Canada wants to be able to control it. However, the current Conservative Party government under Prime Minister Stephen Harper has led an aggressive, complex neorealist approach to securing sovereignty over the Passage consisting of loud diplomacy, military drills, and rejection of multilateral cooperation in the region. But this strategy that perceives Canada as a principle power is not sustainable. The government must accept that Canada simply cannot afford to unilaterally control and develop the Northwest Passage, and a liberal internationalist approach is what is needed. Rather than continuing to fight for international acknowledgment that the Passage is a domestic strait, Canada needs to recognize that the strait can be managed and developed much more effectively if it oversaw a multilateral development effort through the International Maritime Organization.

This thesis will consist of five chapters: 1. The history of Canada and the Northwest Passage, 2. The benefits of a more accessible Arctic, 3. Challenges to developing a more open Arctic, 4. Three theoretical perspectives of Canadian foreign policy, 5. Returning to multilateralism: and effective Northwest Passage policy.

Chapter one will give the reader a brief history of Canada's Arctic policy, specifically focusing on the Northwest Passage. It will cover details from the pre cold war to present day in order to demonstrate how the importance of the Arctic is increasing as it becomes more accessible. The chapter will also look at some of the security implications of Arctic development, focusing on the circumpolar powers of Canada, United States, Russia, as well as the NATO and Arctic Council organizations.

Chapter two will look at the economic potential of a more accessible Arctic. Oil and gas development, mining operations, as well as potential sources of alternative energy are all things that Canada can cash in on. The chapter will also look at the benefits of the Northwest Passage as a viable shipping route, the advancements in Arctic shipping technology, and why it's beneficial for Canada to have control over it.

Chapter three will examine the challenges to developing the Northwest Passage. Risks to the Arctic's incredibly sensitive environment, as well as the indigenous people who depend on it will be discussed. Next, the lack of infrastructure and other barriers to developing the Passage will be looked at, along with the considerable security and surveillance issues.

Chapter four will cover the three main theoretical perspectives of Canadian foreign policy. The three perspectives covered are: 1. Peripheral dependency, which views Canada as a small, penetrated power, 2. Liberal internationalism, which views Canada as a middle power, 3. Complex neorealism, which views Canada as a principle power. The chapter will conclude that the current government of Canada's foreign policy is being conducted in a complex neorealist manner.

Chapter five will propose a more realistic Northwest Passage policy than the one that the current Canadian government is pursuing. The chapter will first argue that a return to the liberal internationalist form of multilateralism will be the most effect Arctic policy for Canada. Then it will look at some alternative means of gaining control over the Passage, such as going through the International Court of Justice or through the Arctic Council. But the chapter will ultimately conclude that recognizing the Northwest Passage as an international strait and pursuing a Canadian led international regime through the International Maritime Organization in which all states using the Passage are required to contribute will be more cost effective and productive than Canada trying to unilaterally manage it as a domestic strait.

Chapter 1- History of Canada and the Northwest Passage

1.1: Pre-Cold War history

There is no consensus on where one should start with Canada's history in the Northwest Passage, but an ideal place to start is with the iconic Franklin expedition of 1845. Determined to be the first power to find a shortcut from Europe to the Pacific, Victorian England sent a crew of two ships and 134 men led by Sir John Franklin on a mission to find the coveted Northwest Passage. All that is known about the fate of this expedition is that the ship became lodged in pack ice on September 12, 1846 and none of the crew members survived.

While this more than a century old expedition may seem irrelevant to the reader, the significance of it is that Canada's current Prime Minister, Stephen Harper, seems keen on finding the elusive shipwreck in an effort to cement the expedition into Canadian folklore. In doing this, Harper is attempting to garner enough support to develop Canada's enormous portion of the Arctic, something that no previous Canadian Prime Minister has ever managed to do in any significant manner.³

Following Canadian Confederation in 1867, there was a sense of urgency to confirm the legal status of the Canadian territory. Britain did its part by transferring its Arctic land to Canada in 1880, and the Canadian government took it a step further by purchasing Rupert's Land (known today as the Nunavut and Northwest Territories) from the

³ Kat Long, (May 19, 2014). "Canada's Prime Minister is Obsessed With a Missing Explorer." *Slate*. Link: http://www.slate.com/articles/health_and_science/science/2014/05/canada_search_for_franklin_expedition_nationalism_and_control_of_northwest.2.html:

Hudson's Bay Company. The purchase of Rupert's Land included the islands of the Arctic Archipelago, where the Northwest Passage runs through.⁴



Figure 1: The route of the Northwest Passage. Source: <http://arcticecon.wordpress.com/2012/01/13/the-northwest-passage-dispute-canada-map-with-exclusive-economic-zones/>

1.2: Cold War

Canada's sovereignty over the Archipelago went almost completely unchallenged until 1969, when an Exxon oil supertanker named the *Manhattan* navigated through the Northwest Passage without asking for Canada's permission. The Government of Canada saw this as a telling sign that the legal status of their Arctic region was somewhat ambiguous, and they responded by enacting the Arctic Waters Pollution Act in 1970. The act extended Canada's jurisdiction of its Arctic waters by 100 nautical miles in

⁴ Kevin Du, (2007). "Canada's Ice Rush To Claim the North Pole and the Northwest Passage." *Wisconsin International Law Journal*, 30(4). pp.837.

order to enforce pollution standards on ships passing through. Canada also extended its sovereign territorial seas from three to twelve nautical miles. In doing so, Canada sought to vastly increase its Arctic sovereignty unilaterally because, as Prime Minister Pierre Trudeau (in office 1968-1979, 1980-1984) argued, the international law at the time was not effective when it came to protecting the ecology of Canada's Arctic waters.⁵

Activity staid relatively quiet until August 1985, when the USCGC *Polar Sea* icebreaker voyaged through the Northwest Passage from Thule, Greenland, to Prudhoe Bay, Alaska. Even though they knew this was a sensitive issue in Canada, the Americans did not regard it as a challenge to Canadian sovereignty. While the Americans did eventually notify the Canadian Government of the voyage, the Canadian public was outraged, as they viewed the expedition as a violation of their sovereignty. Prime Minister Brian Mulroney (in office 1984-1993) responded by implementing straight baselines in the Arctic, and claimed the enclosed area as Canada's historical internal waters.⁶ The Americans did not agree with these baselines and have argued that the Northwest Passage is an international strait until present day.

In 1988, US President Ronald Reagan and Prime Minister Brian Mulroney signed the Canada-United States Agreement on Arctic Cooperation. In a way, this action was the two governments making an "agree to disagree" policy, as the agreement requires the United States to ask permission for its ships to transit through the Northwest Passage,

⁵ *Ibid*, pp.839

⁶ Elizabeth Elliot-Meisel, (2009). "Politics, Pride, and Precedent: The United States and Canada in the Northwest Passage." *Ocean Development and International Law*, 40. pp.212.

and the Canadians must grant permission.⁷ As comical as it may seem, this agreement has actually functioned well since its implementation.

1.3: Post-Cold War to present

The end of the Cold War led to a steep decline in the Arctic's strategic significance.⁸ With the Soviet threat gone, there was no longer a focus on developing defense infrastructure in order to quell potential attacks coming from over the Arctic. For the next decade, the Arctic region would be gradually demilitarized.

The new millennium brought with it new Arctic aspirations from all Arctic parties involved. From an environmental standpoint, it has become increasingly evident that climate change is having disastrous effects in the Arctic. Studies have shown that the Arctic is one of the most vulnerable regions to climate change, and its annual temperature has increased at almost twice the rate as the rest of the world over the past few decades.⁹ This is causing a variety of changes in the region, including: melting permafrost; longer sea-ice free seasons; the invasion of mosquitos and black flies, which brings the risk of new diseases; unpredictable sea ice conditions; melting glaciers¹⁰. These changes obviously have devastating consequences for local environments and wildlife, but the Arctic governments seem to see opportunity in the situation.

⁷ Philip J. Briggs, (1990). "The Polar Sea Voyage and the Northwest Passage Dispute." *Armed Forces & Society* 16/3. pp.446

⁸ Charles Emmerson, *The Future History of the Arctic*. (New York: Public Affairs, 2010), pp.118.

⁹ Heather A. Smith. (2010). "Choosing not to see: Canada, climate change, and the Arctic." *International Journal*. 65(4). pp.937,938.

¹⁰ Lee-Anne Broadhead. (2010). "Canadian sovereignty versus northern security." *International Journal*, 65(4). pp.913,914.

As the Arctic ice melts at a faster rate every year, new shipping passages are available for increasingly longer periods of time, and the Northwest Passage is no exception. Compared to the Panama Canal, this route is a 7000-kilometer shortcut between Asia and the United States' Atlantic seaboard.¹¹ Prime Minister Stephen Harper's Conservative government has continued to build upon the long Canadian history of claiming sovereignty over the Northwest Passage.

The Harper Government seems to have a policy of welcoming the effects that climate change is having in Canada's Arctic, as if they see it as a region that can be exploited to produce enormous economic wealth rather than an extremely fragile ecosystem that needs to be protected. Since coming into parliamentary office in 2006, the Conservative party has openly denounced the Kyoto protocol, calling the commitments "unachievable" and incorrectly claiming that Canada only emits a small percentage of global emissions. The Harper government has even been accused of trying to undermine international climate negotiations. The Conservative party's policy of turning a blind eye to climate change was eventually solidified when they pulled out of the Kyoto protocol in 2011. While the Harper government does acknowledge that it exists, it vehemently denies that Canada is contributing to the problem, despite overwhelming evidence to the contrary.¹² It is not hard to see why the Harper government has taken this approach to climate change and the Kyoto protocol. While the number one reason would be the Conservative Party's unbridled support of development in the Alberta oil sands, the vast potential resource wealth and opening of new transit routes in the melting Canadian

¹¹ Michael Byers. (2010). "Cold peace: Arctic cooperation and Canadian foreign policy." *International Journal*, 65(4). pp.901.

¹² Smith, pp.938-940.

Arctic is also clearly behind its anti-climate change agenda. A US Geological Survey released in 2008 projected there to be 90 billion barrels of undiscovered oil reserves and 44 million barrels of undiscovered natural gas liquids in the Arctic.¹³ As the Arctic ice continues to melt, it seems inevitable that the Canadian government will continue to increase its grasp of the region, and this has been done through asserting its sovereignty in the region. Prime Minister Harper has clearly shown his high aspirations for the region with frequent Arctic trips and constantly linking sovereignty with resource development. Many of his speeches regarding the Arctic include quotes such as this: “In defending our nation’s sovereignty, nothing is as fundamental as protecting Canada’s territorial integrity; our borders, our airspace and our waters. More and more, as global commerce routes chart a path to Canada’s North and as the oil, gas and minerals of this frontier become more valuable, northern resource development will grow ever more critical to our country.”¹⁴

1.4 Circumpolar security implications

The opening of the new Arctic frontier is creating new tensions between the Arctic nations and there are four main factors that are contributing to this. First, the opening up of the Arctic sea is creating new shipping opportunities, and ninety percent of international trade travels by sea. Second, demand for oil and gas will only continue to go up, and there appears to be plenty of it in the Arctic. Third, more and more new

¹³ Broadhead, pp.925.

¹⁴ D. McRae, (2007). “Arctic sovereignty? What is at stake?” *Behind the headlines*, 64(1). pp.8.

technology - including drilling technology and icebreaker designs - is being created that is capable of operating in the extreme climate of the Arctic. Finally, increased activity and more ships traveling through the area will bring new threats to national security. The terrorist attacks of 9/11 in the USA in particular has placed port, vessel, and waterway safety under scrutiny.¹⁵

This section will look at some of the different circumpolar countries - with a specific focus on Canada and its sovereignty campaign in the Northwest Passage - and organizations and how they are reacting to these new Arctic security dilemmas.

¹⁵ Kraska, pp.1115

Country	System	Type	Numbers	Ice capable	Armed
Canada	Louis St. Laurent	CG large icebreaker	1	Yes	No
	J. Diefenbaker	CG large icebreaker	1 (2017 ^a)	Yes	Limited
		Offshore patrol boats	6–8	1st Year	Yes
	F-35	Fighter jets	65	–	Yes
	F/A 18	Fighter jets	?	–	Yes
	P-3 Orion	Maritime patrol aircraft	10–12	–	No
	NORAD	Radar/surveillance system			
Denmark	Ivar Huitfeldt	Destroyer	1 (+3 ^b)	?	Yes
	Thetis	Frigate	4	1st year	Yes
	Knud Rasmussen	Offshore patrol vessels	2	1st year	Yes
	Fyvefisken	Offshore patrol vessels	10	No	Yes
	Absalon	Command/support vessels	2	?	Yes
	F-16	Fighter jet	48	–	Yes
	C-30 Hercules	Transport aircraft	4	–	No
Iceland	Sea King/Merlin	Helicopters	35	–	No
Iceland		CG patrol vessels	?	–	Yes
	P-3 Orion	Maritime patrol aircraft	?	–	No
Norway		Light coast icebreaker	1	1st year	No
	Fridtjof Nansen	Frigates	4 (+1 ^b)	No	Yes
	Svalbard	Offshore patrol vessel	1	Yes	Limited
	Skjold	Fast patrol vessels	6	Possible	Yes
	Harstad	Offshore patrol vessels	4	Limited	No
		Mine hunter/sweepers	6	Limited	No
	F-16	Fighter jets	57	–	Yes
	P-3 Orion	Maritime patrol aircraft	6	–	No
	C-30 Hercules	Transport helicopters	4	–	No
	Sea King	Helicopters	12	–	No
USA	Healy	Large icebreaker	1–2	Yes	Limited
	Polar Star	Retrofitted icebreaker	1 (2013 ^a)	Yes	Limited
	Ohio Class	Nuclear submarines	<18	Some	SLBM
	Seawolf, Virginia, LA	Diesel submarines	<53	Some	Yes
	Coast Guard	Multipurpose patrol vessels	?	No	Some
	F-22 Raptor	Stealth fighter jets	36	–	Yes
	P-3 Orion	Maritime patrol aircraft	?	–	No

Figure 2: NATO members' existing and planned capabilities for Arctic operations.¹⁶

¹⁶ Helga Haftendorn, (2011). "NATO and the Arctic: Is the Atlantic alliance a Cold War relic in a peaceful region now faced with non-military challenges?" *European Security*, 20(3). Table 1, pp.344.

Canada

The process of re-militarizing the Canadian Arctic for the first time since the Cold War was actually started by the Canadian Liberal party in 2002,¹⁷ and has been continued by the current Conservative government on a larger scale. Some examples of the scale of militarization in the region include: three armed icebreakers have been based at a new military and civilian deep-water docking facility near Iqaluit; a commitment to an Arctic national sensor system, including underwater surveillance technologies; the promise of air surveillance; a new Arctic military training centre in Resolute Bay; 1,000 additional Canadian rangers with increased levels of training and equipment; an airborne battalion with rapid emergency response capability; eight polar-class 5 Arctic offshore patrol ships; and the refurbishment of a deepwater port on Baffin Island.¹⁸

In addition, there has also been an increase in military exercises in the region, called Operation Nanook, which takes place every year in remote areas and harsh conditions in order to display to Canada and the world that the Canadian forces are ready to respond to threats.¹⁹ There has also been heightened defensive rhetoric to go along with these operations. For example, after Russia announced its intention to drop paratroopers at the north pole for a military exercise in 2010, Canadian defense minister Peter MacKay aggressively stated that Canada was going to “protect our sovereign territory. We’re always going to meet any challenge to that territorial sovereignty, and I can assure you any country that is approaching Canadian airspace, approaching

¹⁷ Byers, pp.903.

¹⁸ Whitney Lackenbauer. (2010). “Mirror images? Canada, Russia, and the circumpolar world.” *International Journal*, 65(4). pp.892,893.

¹⁹ Broadhead, pp.919,920.

Canadian territory, will be met by Canadians.”²⁰ It seems apparent that Canada feels the need to act quickly before other forces from outside the region move in and claim the trillions of dollars in valuable natural resources.²¹

The Northwest Passage is one of the most important drivers of the Harper Government’s increased assertion of sovereignty, and they seem to also have the support of a majority of the Canadian Parliament when it comes to this matter. This was made evident in December 2009, when the House of Commons voted to rename the Northwest Passage the *Canadian* Northwest Passage.²² This move was perhaps only symbolic, but a strong sign of intent nonetheless. Canada has attempted to demonstrate its intent to control the Passage by stepping up both the number and intensity of military exercises in the region, as well as the announcement of plans to purchase up to eight armed icebreaker patrol vessels. The military infrastructure around the passage is also set to grow, with the previously mentioned Winter Warfare Training Centre in Resolute Bay and a military deep-water port in Nanisivik.²³

Currently, the Northwest Passage is recognized by the United Nations Laws of the Sea Convention (UNCLOS) as a combination of territorial seas, the Canadian exclusive economic zone, and an international strait open to the international community.²⁴

Therefore, Canada’s sovereignty claims currently go against the Laws of the Sea. When looking at the Canada-US dispute over the Passage, one would initially think that this

²⁰ Lackenbauer, pp.890.

²¹ Dobransky, pp.11.

²² Frederic Lasserre, (2011). “Arctic Shipping Routes.” *International Journal*, pp.794.

²³ Sharp, pp.305,306.

²⁴ James Kraska, (2009). “International security and international law in the Northwest Passage.” *Vanderbilt Journal of Transnational Law*, 42(1109). pp.1118.

fact gives the United States the upper hand. However, the United States has never signed onto the Convention, as the move has been continuously rejected by a handful of powerful US senators.

UNCLOS is essentially the constitution of the sea, and for the United States to reject it means that its self-interest is being placed above conflict avoidance, international peace and security, and global stability. It also means that it has no legitimate means of disputing Canada's claim over the Northwest Passage. Therefore, the resulting situation we are left with is both the United States and Canada disputing sovereignty over the Passage by unilateral means only.

What the United States is so concerned about with recognizing Canadian sovereignty in the Northwest Passage is the precedent that it would set for the Strait of Hormuz.

Hormuz is a strategically important waterway between the Gulf of Oman and the Persian Gulf, and is in fact the sole waterway that leads out of the Persian Gulf. This strait is used for a third of the world's seaborne oil trade, and is seen as vitally important to America's energy security.²⁵ The US believes that if the Northwest Passage is recognized as Canada's internal waters, Iran could point to that as no different than their situation and claim sovereignty over the Strait of Hormuz.

If Iran were to take control of the Strait of Hormuz, it would no doubt have a great deal of control and leverage on world trade.²⁶ An example of how this could be problematic is the recent tensions involving Iran and its nuclear power initiatives. When world powers tightened economic sanctions on Iran in order to deter its nuclear program, Iran

²⁵ Du, pp.842.

²⁶ Caitlin Talmadge, (2008). "Closing Time: Assessing the Iranian Threat to the Strait of Hormuz," *International Security*, Summer, pp.86

responded by threatening to close the Strait of Hormuz. This move would have greatly disrupted the global energy market, as the blockade would create supply disruptions and increase the price of oil by about \$3 US a barrel.²⁷ The United States immediately moved to condemn the potential blockade, threatening to use military force to keep the Strait open.

While the crisis was eventually alleviated, an Iran with sovereign control over the Hormuz could have reacted more aggressively, sending speedboats, submarines, warships, and anti cruise and ballistic missiles to cause difficulties in the waterway.²⁸ This could have triggered a potentially deadly military conflict. Obviously, recognizing Canadian sovereignty in the Northwest Passage would not lead to anywhere near the tensions just mentioned. Canada does not have the history of political and military conflict that is currently happening in the Middle East, and it is unlikely that it would ever threaten to use military force to close down the Northwest Passage if that waterway ever reaches the importance of the Hormuz.²⁹ However, the threat remains that recognizing Canadian sovereignty over the Passage would potentially give Iran justification for claiming the Strait of Hormuz as internal waters.

This dispute has strained Canada and US relations, and both sides are guilty. Canada's government parties on both the right and the left are guilty of using Canadian exceptionalism in the Arctic and rejecting multilateralism in order to score political points at home.³⁰ The United States on the other hand needs to ratify the UNCLOS in order to

²⁷ Du, pp.843.

²⁸ Ibid.

²⁹ Ibid, pp.843.

³⁰ Kraska, pp.1120.

allow both countries to have a proper platform to have their discussion. What is especially crucial is that this dispute is solved before shipping and development in the area begins to pick up, or else it could be a missed opportunity for both countries.

United States

The United States' Arctic Region Policy sets a very hard tone:

The United States has broad and fundamental national security interests in the Arctic region and is prepared to operate either independently or in conjunction with other states to safeguard these interests. These interests include such matters as missile defense and early warning; deployment of sea and air systems for strategic sealift, strategic deterrence, maritime presence, and maritime security operations; and ensuring freedom of navigation and overflight.³¹

This paragraph, along with the fact that the United States is the only Arctic nation that has not ratified the UNCLOS, should imply that they have a more isolationist approach to the region than most other countries. However, this is not entirely true. In practice, the United States has been quite actively participating in international organizations such as the Arctic Council that work together to address Arctic issues. But this is not to say the US has a full multilateral policy in the Arctic either. They have been opponents of proposals to give the Arctic Council a broader mandate that would extend beyond environmental and sustainable development.³² There are clearly several areas where regional interests and American interests collide.

What might be surprising to some when considering its global military dominance, the US is just as inadequately equipped to patrol the high north as its Arctic neighbours.

After 9/11, funding for polar research was dramatically cut, and the US was left with only

³¹ National Security Presidential Directive (NSPD) 66 *Arctic Region Policy* (9 Jan., 2009), section B para. 1. Link: <http://www.fas.org/irp/offdocs/nspd/nspd-66.htm>

³² Ibid, section C para. 2.

three Arctic-capable icebreakers.³³ But this does not mean the United States is not patrolling the Arctic by other means. American submarines are regularly patrolling the Arctic, including the Northwest Passage. This is a tricky subject because Canada does not have adequate underwater radars to detect submarines, and therefore simply relies on goodwill from the Americans as well as other foreign submarines passing through to notify them of their transit. “We do not discuss the movement of allied [nations] submarines,” says Canadian navy spokesman Lieutenant-Commander John Coppard, “One would expect that a naval vessel transiting Canadian waters would seek the appropriate diplomatic clearances.”³⁴ Some believe that this could cause harm to Canada’s sovereignty bid. Experts like Michael Byers see any unauthorized ships going through Canadian Arctic waters without consequence as a signal to the world that Canada is not able to back up its own sovereignty claims.³⁵

There doesn’t seem to be anything Canada can do to force the US navy to respect its sovereignty claims, and it appears that the US has no intention of doing so in the near future. In 2002, the US navy even held a symposium called “Naval operations in the ice-free Arctic” that discussed the idea of sending full battle groups into the Northwest Passage.³⁶ While this is by no means a plan set in stone, Canada should be very alarmed at the total disregard shown towards its claims of sovereignty.

³³ Mark Smith, Keir Giles. (2007). “Russia and the Arctic: The Last Dash North” *Advanced Research and Assessment Group, Defence Academy of the United Kingdom*. pp.5.

³⁴ National Post, (December 19, 2005). “US sub may have toured Canadian Arctic zone.” Link: <http://www.nationalpost.com/story.html?id=fb21432a-1d28-415e-b323-ceb22d477732&k=69493>

³⁵ Ibid.

³⁶ US office of naval research, 17-18 April 2001. “Naval operations in an ice-free Arctic symposium, final report,” pp.4.

Russia

Russia sees the Arctic as one the main tools it can use in order to re-assert its superpower status, which has been revived under the rule of current President Vladimir Putin. Russia believes the Arctic offers compensation for the losses of territory and influence that resulted due to the collapse of the Soviet Union. It seems that Russian territorial claims in the Arctic are going hand in hand with Russian military modernization.³⁷ The Russian Strategy through 2020, prepared by the Russian Security Council and signed by President Dmitry Medvedev in 2009, says that there is rivalry for control of resources in various parts of the Arctic and that the possibility of military confrontation cannot be ruled out.³⁸ It states that Arctic resources will become the critical point for the world military balance.³⁹ The paper also suggests creating a new military force for the Arctic, and making the region Russia's leading strategic base by 2016. The military fleet has been given a new task to protect Russian economic interests in the Arctic, in addition to its continued role of making Russia's sea-based nuclear forces, which are strongest pillars of Russian security, impervious to attack.⁴⁰

Russian aspirations in the Arctic were highlighted by the planting of the Russian flag on the seabed of the North Pole in 2007. While this move was purely symbolic, it was followed by a media frenzy in Russia which sparked nationalist jubilation. Also in 2007 the Russian air force resumed long-range strategic bomber patrol flights over the Arctic,

³⁷ Margaret Blunden, (2009). "The new problem of Arctic stability." *Survival*, 51(5), pp.125.

³⁸ Katarzyna Zysk, "Russia's National Security Strategy to 2020" *Norwegian Institute for Defence Studies*, Link: http://geopoliticsnorth.org/index.php?option=com_content&view=category&layout=blog&id=35&Itemid=103.

³⁹ Kraska, pp.1117.

⁴⁰ Yuri Golotyuk, (2008). "Safeguarding the Arctic." *Russia in Global Affairs*, 3. Link: http://eng.globalaffairs.ru/number/n_11281

which had been suspended after the Cold War ended. These flights were joined by tankers, escort freighters and reconnaissance aircraft. In 2008 Moscow announced that a Northern Fleet submarine completed a 30-day transit under the Arctic ice.⁴¹ This Russian showing of strength and ambition was a clear sign that the race for Arctic resources was heating up.

Russia's Arctic neighbours have reacted to this major shift in different ways. On the one hand, Norway is relaxed about what it sees as a return to a more normal level of activity from its mighty neighbour that has a long history of legitimate interests in the region.⁴² On the other hand, Canada has had mixed reactions. While it has at times voiced its concerns regarding Russian militarization of the region, other times Canada has seemed passive. For example, when Canadian navy Sub-Lt. Jeffrey Paul Delisle pleaded guilty to spying for Russia over a period of four and a half years, there was little condemnation from Canada.⁴³ In fact, despite the sometimes inflammatory rhetoric and military drills, the two nations have worked well together diplomatically.

The reality is that, at this moment, Russia seems content to pursue its Arctic ambitions through international law and diplomacy. It appears to believe that it has law and scientific evidence on its side, and has demonstrated this optimism through a claim of 740,300 square kilometres of the Arctic seabed (nearly half of the entire seabed) to the United Nations Commission of the Continental Shelf.⁴⁴ However, should this bid fail, or

⁴¹ Blunden, pp.126.

⁴² Ibid.

⁴³ Linda Nguyen, (Oct 12, 2010). "Russian envoy says spy scandal won't hurt relations." *The Star*. Link: http://www.thestar.com/news/canada/2012/10/12/russian_envoy_says_spy_scandal_wont_hurt_relations.html

⁴⁴ Smith, Giles. pp.1.

should legal and procedural methods fail to give Russia the resources it wants, there is a chance that Russia could try to assert control over Arctic resources and territory by other means.⁴⁵

NATO

Due to the remnants of the Cold War, NATO's integrated air-defence system, including fighters on alert and airborne warning and control surveillance flights means that the alliance is still present in the Arctic. It now appears that the organization could adopt a higher profile in the region. Countries like Norway, Sweden, Denmark, Iceland and Finland have called for more NATO collaboration in the area: "There is a need for a renewed focus on security challenges in and around Allied territory...regular activities in a NATO framework would demonstrate collective solidarity."⁴⁶ The Nordic countries are not necessarily proposing full cooperation with NATO- they rather want a regional agreement that allows non-members Finland and Sweden to cooperate more closely with the Nordic NATO members. Among these proposals is a closer defence and security policy that includes recommendations for a Nordic maritime monitoring system in the Nordic Sea, for a Nordic maritime response force, for an amphibious unit developing its own Arctic expertise, and even a Nordic declaration of solidarity in the face of external attack.⁴⁷

⁴⁵ Sharp, pp. 304.

⁴⁶ Blunden, pp.129.

⁴⁷ Declaration, (8-9 June 2009). *Meeting of the Ministers for Foreign Affairs of the Nordic Countries*. Link: <http://www.mfa.is/news-and-publications/nr/5006>

The option of having more NATO cooperation in the Arctic is certainly appealing to the Nordic countries, but they also realize that Russia views this as a threat to its sovereignty. Russia has already voiced its displeasure with NATO operations in the region. For example, the NATO exercise *Cold Response*, which takes place in northern Norway and includes 16,000 troops from 16 different countries,⁴⁸ is seen by Russia as a clear provocation. Russia has argued that this exercise is a united and coordinated policy of barring Russia from the riches of the shelf, and says that this increase in NATO activity could erode constructive cooperation between the Arctic states.⁴⁹ For the sake of avoiding damage to ties with Russia and the other Arctic nations, perhaps the Nordic countries should aim to focus on a grouping less oriented with NATO. After all, Russia would much rather see Sweden and Finland join a Nordic alliance than join NATO.

The North American Arctic powers have been much more quiet about the role NATO should play in the region. Although it did mention NATO in its Northern Strategy, Canada has given very few details about what role the Alliance would play in its Arctic policy. Canada seems to be more focused on unilateral security, as well as regional cooperation with the United States and Denmark.⁵⁰ While the USA has been quite reserved in the Arctic up to this point, several administrations have backed NATO to remain a foundational pillar of Arctic security.⁵¹

⁴⁸ Norwegian Special Forces, (March 7, 2014). "Operation Cold Response 2014." Link: <http://mil.no/exercises/coldresponse/Pages/about.aspx>

⁴⁹ Blunden, pp.131.

⁵⁰ Haftendorn, pp.350.

⁵¹ Ibid, pp.351.

The Arctic Council

The Arctic Council was created under the terms of a ministerial declaration signed in Ottawa, Canada, on 19 September 1996. It describes itself as a “high level forum” that is intended to promote “cooperation, coordination and interaction among the Arctic States.”⁵² The Council has found a useful niche as a producer of scientific assessments and as a platform for the Arctic’s indigenous people to voice their concerns. The Arctic Council has also been used as a mechanism for international initiatives such as an agreement signed in May 2011 that addressed search and rescue in the Arctic.⁵³

The Council is made up of eight permanent members- United States, Russia, Canada, Norway, Denmark, Sweden, Finland and Iceland. There are also six indigenous organizations that are permanent members of the council- The Arctic Athabaskan Council, Aleut International Association, Gwich’in Council International, Inuit Circumpolar Council, Russia Association of Indigenous Peoples of the North, and the Saami Council. Moreover, there are also twelve non-Arctic states, nine intergovernmental and inter-parliamentary, and eleven non-governmental organizations that have been granted observer status.⁵⁴ This provides a very balanced platform of multilateral discussion, where parties from all spectrums of Arctic interests get to have their say in matters. The effectiveness of the Arctic Council has exceeded the expectations of many, but as a high level forum its powers remain limited.

⁵² Paula Kankaanpää, Oran R. Young. (2012). “The effectiveness of the Arctic Council.” *Polar Research*, 31. pp.1.

⁵³ Ibid.

⁵⁴ Arctic Council. Link: <http://www.arctic-council.org>.

Chapter 2: Benefits of a more accessible Arctic

While resource extraction and shipping in the Arctic remain costly due to a lack of infrastructure, remoteness of the area and harshness of the climate, it still remains inevitable that these activities will become more frequent in the future.⁵⁵ This chapter will cover how oil, gas, and mining operations will lead to an increase in destination shipping, while an acceleration of the ice-melt rate will lead to an increase in transit shipping.

2.1: Oil and gas development

In a world that has become increasingly dependent on hydrocarbons to quench its energy thirst, it should be of no surprise to anyone that the Arctic has become the newest frontier of oil and gas exploration. The more it is studied, the more apparent the Arctic's potential resource wealth becomes. The most referenced study to date is the 2008 US Geological Survey, which estimated that the Arctic region contained approximately 90 billion barrels of oil, 47,261 billion cubic meters of natural gas, and 44 billion barrels of natural gas liquids.⁵⁶

⁵⁵ Lasserre, pp.796;

⁵⁶ "Circum-Arctic resource appraisal: Estimates of undiscovered oil and gas north of the Arctic circle," *US Geological Survey*, 2008, <http://pubs.usgs.gov>.

Some have estimated that this area accounts for an astounding 25 percent of the world's remaining oil and gas reserves.⁵⁷ By comparison, the reserves of Kuwait contain 90 billion barrels of oil, and Iraq has approximately 135 billion barrels.

These statistics have made the Arctic very appealing to the biggest oil companies from around the globe. Many of these companies have flocked to the Canadian Arctic and obtained exploratory licenses for offshore Arctic drilling. Some of these successful bidders include Chevron (US\$103,300,000) in 2009-2010, BP (US\$1.18 million) in 2008 and Imperial Oil (US\$585,000,000) in 2007.⁵⁸ The first application to drill a deep water well in Canadian Arctic waters is expected to come sometime between 2014 and 2015,⁵⁹ an indication that the region could see some hydrocarbon extraction in the not-so-distant future.

Canada looks to have the biggest growth potential in natural gas extraction in the coming years, with 11 out of the 15 undeveloped natural gas fields in the Arctic Circle in the Canadian Northwest Territories.⁶⁰ As always with Canadian Arctic projects the issue is a lack of an effective infrastructure to enable development. However, this is beginning to change. For example, the Canadian federal government has recently given approval to the Mackenzie Gas Project, which has the goal of developing natural gas fields in the

⁵⁷ Angelle C. Smith, (2010). "Frozen Assets: Ownership of Arctic Mineral Rights Must Be Resolved to Prevent the Really Cold War." *George Washington International Review* 41. pp.651.

⁵⁸ Kirsten Manley-Casimir, (2011). "Reconciliation, indigenous rights and offshore drilling and gas development in the Canadian Arctic." *Review of European Community & International Environmental Law*, 20(1). pp.30.

⁵⁹ Will Amos. (2011). "Development of Canadian Arctic offshore oil and gas drilling: Lessons from the Gulf of Mexico." *Review of European Community & International Environmental Law*, 20(1). pp.39.

⁶⁰ Melissa Bert. (2012). "the Arctic is now: Economic and national security in the last frontier." *American Foreign Policy Interests*, 34(5). pp.7.

Mackenzie Delta in the Northwest Territories and to deliver the natural gas to markets through a 1,196 kilometer pipeline system built along the Mackenzie Valley.⁶¹



Figure 3: Map of Mackenzie Delta Project plans. Source: <http://www.mackenziegasproject.com/theProject/index.html>

2.2: Mining operations

Mining operations are also beginning to pick up in the Canadian Arctic. Mining firms are exploring for iron, gold, lead, zinc, nickel, uranium, and diamonds. Recent development projects in Nunavut and the Northwest Territories have made Canada the third-largest diamond producer in the world behind Botswana and Russia, with \$2.4 billion worth in 2008 alone.⁶² Massive nickel discoveries have been discovered in several regions, including Paulatuk, which sits on the Northwest Passage shore. Also, the Mary River mine on Baffin Island is projected to extract about 205 million tons of iron deposits.⁶³

⁶¹ Peter Kikkert, (2012). "The Disappointing Arctic: Will more shipping dreams be shattered on the ice?" *Journal of Maritime Law & Commerce*, 43(4). pp.551.

⁶² Lassere, 2011. pp. 797.

⁶³ *ibid.*

Altogether, between 2005 and 2008, mineral exploration and appraisal investments rose by 117 percent in the Yukon, Northwest Territories, and Nunavut.⁶⁴

2.3: Alternative energy

A particular development in the Arctic is the discovery of another type of hydrocarbon called methane hydrate. Basically, it is methane that is trapped in ice-like water structures under great pressure or at low temperatures, and is most abundant in Arctic permafrost. This hydrocarbon was discovered naturally in the 1960's by Soviet scientists, and now Japanese and Canadian scientists are studying the possibility of methane hydrate production in the Mackenzie Valley. It is becoming more evident that this could be a very plentiful energy source, as estimates of methane hydrates in the Alaskan North Slope range from 3,200,000 billion cubic meters to 19,000,000 billion cubic meters.⁶⁵ However, while methane hydrate seems like an attractive form of unconventional gas, it is almost twenty times more potent of a greenhouse gas than carbon dioxide.⁶⁶ Production of this hydrocarbon on a large scale would thus pose serious risks to the environment.

There is also significant potential for other forms of energy. The Arctic sea has some of the strongest tides in the world and could be highly effective in producing hydropower. Furthermore, its landscape holds spectacular potential for geothermal energy, and

⁶⁴ *ibid.*

⁶⁵ Emmerson, pp.192.

⁶⁶ *Ibid*, pp.194.

Iceland has already taken advantage of this through its geothermal-powered aluminum smelting industry.⁶⁷

2.4: The Northwest Passage as a viable shipping route

An open Northwest Passage presents considerable international shipping benefits. A journey from Rotterdam, Netherlands to Yokohama, Japan is 23,470 kilometres through the Panama Canal, yet through the Northwest Passage it is only 13,950 kilometres.⁶⁸ This obviously means that there is a potential to make huge savings on fuel and crew costs for shipping companies, as well as drastically shortening delivery times. While it is still being debated whether or not the Passage is suitable for larger commercial vessels, underwater mapping done by the CCGS *Amundsen* in 2003 suggests that even today an experienced navigator could take a large container ship or tanker through the passage in late summer or early fall.⁶⁹

In addition to the fact that it is a much shorter journey than the traditional routes from Europe to Asia, the Northwest Passage is an attractive option due to the stability of the countries surrounding it, meaning there are fewer security risks for vessels transiting through. The Suez and Panama canals are located in areas of considerable political instability and are vulnerable to terrorism and piracy. These canals will also require major capacity upgrades in the near future.⁷⁰ Meanwhile, the governments surrounding

⁶⁷ Scott G. Borenson, (2013). "The coming Arctic boom: As the ice melts, the region heats up." *Foreign Affairs* July/August 2013.

⁶⁸ Lasserre, 2011. pp.800.

⁶⁹ Michael Byers, Suzanne Lalonde, (2009). "Who controls the Northwest Passage?" *Vanderbilt Journal of Transnational Law*, 42. pp.1139.

⁷⁰ Emerson, pp.161.

the Arctic have stable economies and, perhaps with the exception of Russia, stable democratic governments that are easy to do business with. The relatively cooperative manner in which these countries have settled boundary disputes in the region is a good indication of the lack of security risk in the Arctic.⁷¹

With climate change causing a gradual decline in Arctic ice volume, it seems that a shortcut through the legendary Northwest Passage is beginning to become more of a reality. In 2004, the Arctic Climate Impact Assessment reported that average extent of sea-ice cover had declined by 15%-20% over the previous thirty years. The remaining ice was 10%-20% thinner overall, even 40% thinner in some areas.⁷² What's more is that much of the remaining ice is younger, and younger ice tends to melt much faster than older multi-year ice. This means that Arctic ice will decline at a more rapid pace as the years go by.⁷³ Figure 3 shows the projected September ice levels until 2090 according to the Arctic Climate Impact Assessment report. One can clearly see that the Northwest Passage will become more ice-free in the future.

⁷¹ Borgerson, (2013).

⁷² Susan Joy Hassol, (2004). "Impacts of a warming Arctic: Arctic climate impact assessment." *Cambridge University Press*.

⁷³ Emmerson, pp.129.

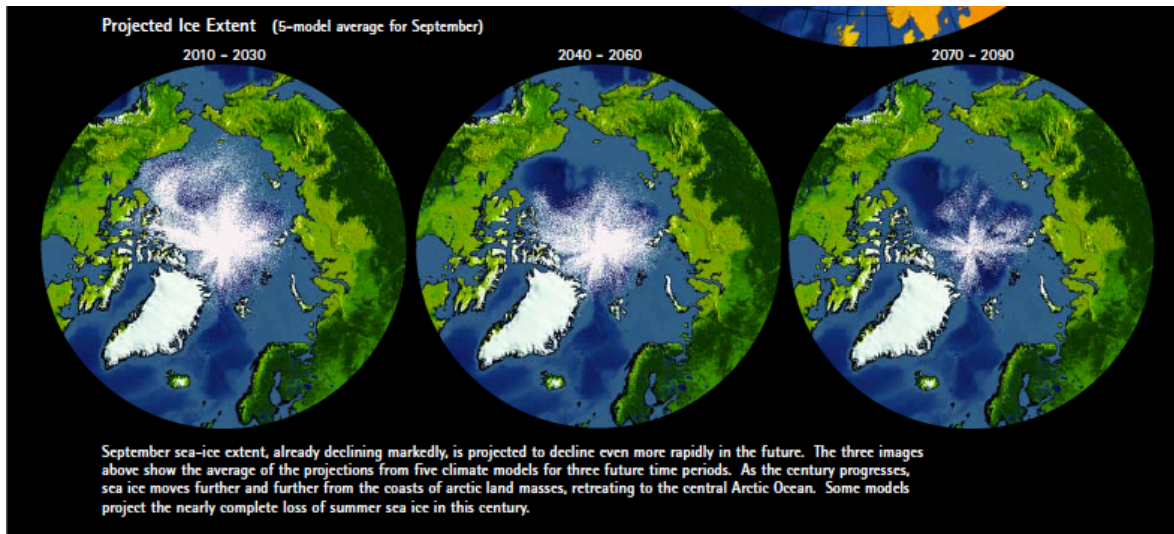


Figure 4: Projected Arctic ice levels in September through 2090. Source: <http://www.amap.no/documents/doc/impacts-of-a-warming-arctic-2004/786>

While international shipping companies still remain wary of traversing the Northwest Passage, there is a projected increase in destination shipping in the coming years. As the Passage becomes more open and the areas surrounding its shores become more developed, destination shipping will be needed more frequently for community re-supply, marine tourism, and resource extraction.⁷⁴ After all, due to a lack of any reliable land route from the Canadian Arctic territories to the Canadian provinces, a sea route is simply the only option to ship goods from point A to B. Seeing how the Canadian government has shown no real intent on creating a viable North-South land transit route in the near future, it seems that shipping activity in Arctic waters will continue to increase.⁷⁵

As far as shipping infrastructure is concerned, Canada still has some work to do. Canada's only Arctic deepwater seaport is located in Churchill, Manitoba. The Churchill Port sits on the west coast of Hudson Bay and is directly connected to the Canadian

⁷⁴ Kikkert, pp.539.

⁷⁵ Emerson, pp.162.

railway system. As shipping operations increase in the Canadian and American Arctic, the Churchill Port is being touted as the North American terminal for transarctic trade.⁷⁶ The Canadian government also announced plans to refurbish an existing deepwater port in Nanisivik on the Northwest Passage for military and civilian purposes, and it will be operational by 2015.⁷⁷

A good example of Canada's strong ambitions for destination shipping in the Arctic is the Baffinland iron ore project that started in 2012. Iron ore from the open pit mine is taken by truck to a port, where it is then taken by freighters that can carry 200,000 metric tons each. It is estimated that 18 to 20 million tons of iron ore per year are being transported from this project. The shipping is being handled by Canadian company Fednav, who has ordered the purchase of seven more carriers from a Korean shipyard. Most significantly, these vessels are capable of operating year round, and will be able to travel to Europe through ice as thick as 1.7 metres in 10 to 12 days during the winter.⁷⁸ This is evidence that shipping in the Canadian Arctic is becoming more possible as shipping technology continues to improve.

⁷⁶ Ibid, pp.161.

⁷⁷ <http://www.cbc.ca/news/canada/harper-announces-northern-deep-sea-port-training-site-1.644982>

⁷⁸ Andrew Safer, (2012). "Shipping in the Arctic: What are the challenges?" *Arctic Shipping Conference*. pp.14.

Are the northern sea routes really the shortest?
Distance in km between harbours using various southern and northern routes

Route	Panama Canal	Northwest Passage	Northeast Passage	Suez and Malacca
London - Yokohama	23.300	15.930	13.841	21.200
Marseilles - Yokohama	24.030	16.720	17.954	17.800
Marseilles - Singapore	29.484	21.600	23.672	12.420
Marseilles - Shanghai	26.038	19.160	19.718	16.460
Rotterdam - Singapore	28.994	19.900	19.641	15.750
Rotterdam - Shanghai	25.588	17.570	15.793	19.550
Hamburg - Seattle	17.110	15.270	13.459	29.780
Rotterdam - Vancouver	16.350	14.330	13.445	28.400
Rotterdam - Los Angeles	14.490	15.790	15.252	29.750
Gioia Tauro (Italy) - Hongkong	25.934	24.071	21.556	14.093
Barcelona - Hongkong	25.044	23.179	20.686	14.693
New York - Shanghai	20.880	17.030	19.893	22.930
New York - Hongkong	21.260	18.140	20.982	21.570
New York - Singapore	23.580	20.310	23.121	18.770

Marginally longer route Shortest route

All numbers calculated by Frédéric Lasserre in SIG Mapinfo, except the numbers for the Northeast Passage through the Kara Strait south of Novaya Zemlya which have been calculated in Google Earth by Svend Aage Christensen.

Figure 5: Chart of various shipping route distances. Source- Danish Institute for International Studies.

It is not just Canada and the other Arctic nations who are interested in sending shipments through the increasingly ice-free Arctic. Many other nations south of the Arctic Circle have also shown a strong interest in using these new routes. One telling sign of this is the spike in attendance at the annual Arctic Shipping North America conference. Between 2010 and 2011, there was a 20% increase of participants,⁷⁹ showing that more countries and corporations intend to throw their hats into the ring. However, non-Arctic nations are not as interested in using the Northwest Passage for destination shipping as they are for international shipping. Countries that are especially dependent on exports and imports - Japan, China, South Korea etc. - are showing the most interest in the

⁷⁹ Ibid.

Northwest Passage option.⁸⁰ China in particular is always looking to reduce shipping distances and is investing money in over a hundred oil projects around the world. Therefore, China sees itself as one of the biggest beneficiaries of a more open and accessible Arctic. The European Union has also expressed interest in the Arctic, specifically focusing on the abundance of resources as it continues to search for new ways to feed its ever increasing energy dependence.⁸¹

2.5: Advancements in Arctic shipping technology

The most underlying problem with shipping through the Arctic is ice. Even during the summer months, vessels need to be strong enough to resist being battered by ice patches and icebergs. The Soviets were the first to make significant strides in making year round transit through the Arctic a possibility when they completed the construction of the *Arktika* in 1977. At the time it was the most powerful icebreaker ever built, and it was the first surface ship to ever reach the North Pole. While the ship was expensive to make and slow moving, it was immensely powerful and made people realize that Arctic shipping was a possibility.⁸²

Even today, the high cost and slow movement of Arctic shipping remains a big turnoff for those looking to traverse the Passage, but advances in Arctic shipping technology are beginning to change that. Finland has taken the lead in building effective ice-capable ships. While that country does not hold any Arctic coastline, all of its ports have to deal with ice during the winter months, as the shallow and relatively unsalty waters of the

⁸⁰ Emmerson, pp.161.

⁸¹ Todd L. Sharp, (2011). "The implications of ice melt on Arctic security." *Defence Studies*, 11(2). pp.311.

⁸² Ibid, pp.158.

Baltic freeze quite easily. It is therefore perhaps not surprising the Finnish firm Aker Arctic is involved in the construction of 60 percent of the world's icebreakers.⁸³ While the company does not actually build ships, it acts as a design and blue printing company and has advanced testing facilities in Vuosaari, Finland where they can simulate various ice conditions in order to see how different vessel models hold up. Aker Arctic's goal is to create transport ships that can handle ice conditions and then travel open waters without the conventional sluggish icebreaker support. The central innovation to their approach is a propulsion system that allows the ships to run astern (backwards) through the ice, and then turn around and go at a more efficient speed while in open waters. Russian mining company Norilsk Nickel has purchased five of these ships and is saving an estimated \$100 million a year by using them. Aker has also designed transpolar container ships for Russia's largest oil and gas companies: Lukoil and Gazprom. These ships weigh 70,000 tons and the company claims they would be able to sail across the Arctic even in the kind of ice conditions that will continue to exist in parts of the Arctic long after ice-free summers have become a regular occurrence.⁸⁴

⁸³ Emmerson, pp.163.

⁸⁴ Ibid, pp.164-165.

2.6: The Northwest Passage as Canadian controlled waters

The Canadian government sees great political and economic importance in being able to control the Northwest Passage. If the Passage is classified as Canadian internal waters, Canada would have unlimited rights to restrict other nations vessels that enter.⁸⁵ Most importantly, having full sovereignty over the Northwest Passage would ensure that Canada has full control over its Arctic security. Ships passing through the Passage are no doubt passing by Canadian shores, and it is therefore in Canada's best interest to be able to control and regulate who and what is being shipped through these waters. For example, the current "agree to disagree" mentality between Canada, the United States, and the rest of the world regarding sovereignty over the Passage makes it difficult to determine who would be responsible for regulating the cargo of ships traveling through. An international agreement recognizing Canadian sovereignty over the Northwest Passage would make it possible for there to be clearly laid out laws and regulations for vessels traveling through. On the other hand, a more affordable and arguably more effective method of managing the Passage would be for Canada to regard it as an international strait and lead a multilateral regime to regulate development, operations, and security. These matters will be examined more closely in Chapter 5.

⁸⁵ Hannes Gerhardt, Philip E. Steinberg, Jeremy Tasch, Sandra J. Fabiano, Rob Shields, (2010). "Contested sovereignty in a changing Arctic." *Annals of the Association of American Geographers*, 100(4). pp. 995.

Chapter 3: Challenges to Developing a More Open Arctic

While the prospects of a more accessible Arctic seem lucrative on the surface, the reality is there are many obstacles in the way of significantly taking advantage of it...and the Northwest Passage is no exception. Many factors, including environmental risks, indigenous people, lack of infrastructure, lack of technology, security and sovereignty issues make Canada's Arctic ambitions difficult to achieve. This chapter will analyze and break down these factors in an attempt to better understand the true complexity of the situation.

3.1: Environmental risks

The Arctic is one of the most fragile ecosystems in the world. Michael Byers gives a telling description of exactly how fragile it is:

Arctic species have features and life cycles that reflect an adaptation to life on and under the sea-ice. Unique forms of algae and bacteria are active below and in cracks between the sea-ice at temperatures as low as eight degrees below zero (Fahrenheit). They are fed upon by miniature crustacean which, in turn, are consumed by Arctic cod, a species of fish that is able to synthesize antifreeze proteins in its blood. The cod are in turn preyed upon by ringed seals, which give birth and nurse their pups in dens inside sea-ice ridges. The seals then provide the main food source for two dominant predators: polar bears and the Inuit, both of which are perfectly adapted to find and kill seals in the whiteness of the pack ice. The shortness of the food chain, the remarkable specialization involved, and the near total reliance on a precarious ice-water balance measured in fractions of a degree of temperature all combine to make the Arctic marine ecosystem almost uniquely susceptible to disruption and destruction.⁸⁶

This makes development of the region very risky- particularly when it comes to oil and gas. An oil or gas spill would have a devastating effect on the marine environment, especially to the food chain and to marine organisms. Some effects would include death, the disruption of mating behaviour, coating of animals with oil, the ingestion of oil, and

⁸⁶ Byers, Lalonde, pp.1178.

the alteration of habitat.⁸⁷ While any ecosystem would be harmed by an oil spill, the fact that the Arctic has fewer living organisms makes it much harder for them to recover in comparison. Moreover, the Arctic is already going through accelerated climate change and can ill afford any more alterations to its environment.⁸⁸ Additionally, large ships moving through and emptying their ballast tanks as they enter more shallow waters could introduce destructive foreign parasites or poisonous algae, causing widespread damage. Increased shipping can also disturb mating, birthing, or nursing of whales in the Northwest Passage.⁸⁹

Many experts think that an oil spill in the Arctic is highly likely. For example, US Arctic Research Commission chair George B. Newton said: "With easier access and increased shipping, and on and offshore exploitation of fuel resources, the concern for an oil spill in high latitude, ice-infested waters becomes very real. It is an event the world is ill-prepared to face."⁹⁰ With 982 spills of at least 10,000 gallons of oil in high-traffic areas since 1960, Newton suggests that it is a statistic likelihood that a major oil spill will eventually happen in the Arctic.⁹¹

An oil spill in the Arctic would be incredibly difficult to clean up. The separation of oil from ice on a large scale is highly problematic. It is energetically very intense because the oil will slip into the brine drainage channels and can only be removed by melting the

⁸⁷ Manley-Casimir, pp.32.

⁸⁸ Ibid.

⁸⁹ Byers, Lalonde, pp.1179.

⁹⁰ Bert, pp.10.

⁹¹ Ibid.

ice, a process that no one has been able to prove is possible on a large scale.⁹² The World Wildlife Fund has also pointed out that the same environmental conditions that contribute to oil spill risks also make clean up response operations extremely difficult. These conditions include the lack of natural light, extreme cold, moving ice floes, high winds and low visibility.⁹³ It has been estimated by the National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling that the Arctic temperature alone would prevent containment responses up to 50-64% of the time in the winter months.⁹⁴ Another factor that would greatly hinder cleanup response efforts is the remoteness of the Arctic. The Northwest Passage in particular is far away from the more populated areas of North America and it would take a substantial amount of time to get man-power and equipment to the spill site.⁹⁵ Infrastructure and fast response time were both critical factors in cleaning up the BP oil spill in the Mexican gulf, and it was still a huge disaster with devastating effects that will last for years to come. Therefore, one can probably assume that a spill in the Arctic, considering all factors mentioned above, would be just as devastating or worse.

Oil and gas extraction can cause environmental harm even if it doesn't result in a spill. The use of power generation equipment, supply activities, and shuttle transportation can all contribute to air pollution. Also, the installation of equipment on the sea floor can negatively impact the surrounding flora and fauna, as well as fish and other water-

⁹² Bruce Parsons, (2011). "Canada's approach to Arctic science and engineering." *Journal of Ocean Technology*, 6(3), pp.6.

⁹³ WWF, (2007). "Oil Spill: Response Challenges in Arctic Waters." *WWF International Arctic Programme*, pp.7.

⁹⁴ National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, "The Challenges of Oil Spill Response in the Arctic." (October 2010), pp.3.

⁹⁵ Safer, pp.40.

dwelling species in the area.⁹⁶ Moreover, the relatively short drilling season in the Arctic makes it difficult to drill 'same season relief wells' (SSRW). In seasonal areas such as the Arctic, companies looking to drill in Canadian Arctic waters are required to demonstrate that they have the capacity to drill a relief well fast enough to stop a blow-out before the drilling season ends. The purpose is to prevent the blow-out from continuing through the off season until the company is able to return the next year. However, oil companies like Imperial Oil and BP have complained that it would take at least two years to drill a relief well in Arctic waters, and are pressuring the Canadian government to lift this requirement. But this would be a risky move by the government, because the chances of blow-outs is higher in the Arctic due to difficulties such as cold and human fatigue, harsh climate impacts on equipment, and the lack of research and exploration in the area.⁹⁷

According to oil industry representatives, oil exploration in the Arctic is not likely to increase at any substantial rate within the next 10 years,⁹⁸ largely due to the problems mentioned above. This means that there is still time to ensure that development in the Arctic can be moved forward without having an adverse impact on the environment. Therefore, Canada should be actively seeking partners in industry and the circumpolar world in pollution response. While there are currently agreements with the US and Denmark, they are regionally limited and need to be expanded. For example, the Canada-US Joint Marine Pollution Contingency Plan only covers the Beaufort Sea and

⁹⁶ Manley-Casimir, pp.32.

⁹⁷ Amos, pp.40.

⁹⁸ United States Government Accountability Office, (2014). "Maritime Infrastructure: Key issues related to commercial activity in the U.S. Arctic over the next decade." *Report to Congressional Requestors*. pp.21

is indifferent on which state commits specific resources. Efforts need to be made to form an agreement between Canada, the United States, and Denmark to create a common stockpile of emergency response equipment and a shared infrastructure in order to protect the entire North American Arctic. This agreement should include joint training, plans, doctrine, and procedure between the three respective national coast guards. Finally, these governments should work with industry leaders in order to determine the best methods of alleviating the risk of oil spills and other forms of pollution.⁹⁹

3.2: Indigenous people

Going hand in hand with the environmental risks of oil and gas development in the Canadian Arctic is the fact that most of it will take place within the territorial waters of Indigenous people. Maps of areas where exploration licences have been given in the Beaufort Sea show that many of the areas are within close proximity to the Inuvialuit Settlement Lands. In the Eastern part of the Canadian Arctic, the Nunavut Land Claims Agreement covers much of the land bordering the Arctic Ocean.¹⁰⁰

⁹⁹ Lajeunesse, pp.534.

¹⁰⁰ Manley-Kasimir, pp.30.



Figure 6: Map of indigenous territories in the Canadian Arctic Circle. Source: Aboriginal Affairs and Northern Development Canada. Link: <https://www.aadnc-aandc.gc.ca/Map/irs/mp/mp-eng.asp>.

It is therefore fair to say that the risk of suffering from environmental harm is far higher for the Indigenous communities than non-Indigenous communities. Many of these Indigenous communities inhabit territories that extend up into the Arctic sea ice and, due to their spiritual relationship with the land, rely more heavily on resources drawn from their territories than non-Indigenous people. For these aforementioned reasons, Indigenous communities are highly susceptible to environmental harm. Climate change has already resulted in a lack of access to resources crucial to survival, and air and water pollution can also be highly problematic for these communities.¹⁰¹ Increased shipping through Canadian Arctic waters also pose a threat to Indigenous people

¹⁰¹ Ibid, pp.32.

because these waters are home to beluga whales, ringed seals, and walrus- all of which these people rely upon for food. The Inuit are especially a maritime people, with all but one of their communities in the Nunavut Territories located on the seacoast.¹⁰²

One could argue that Indigenous communities could financially benefit from oil and gas development in their regions, but the truth is that more often than not they see little profit. For example, offshore oil and gas development operations usually need to bring in staff with specialized skill sets, which leaves Indigenous people at a considerable disadvantage. What usually ends up happening is that Indigenous people fill the hospitality and service jobs, as well as the unskilled jobs associated with oil and gas development, while non-Indigenous people fill the high paying jobs.¹⁰³

What's more is Indigenous communities have to live with the consequential pollution from oil and gas operations long after they are finished. Offshore oil and gas development operations typically last for 20-50 years, and once they are completed most of the non-Indigenous people will leave. Most of the towns that are set up to support the developments will be abandoned as well. Therefore the remaining social and environmental problems are likely to be left with the Indigenous communities left behind.¹⁰⁴

Because oil and gas development will have an overwhelmingly disproportionate impact on Indigenous communities, the Canadian government has an obligation to consult with them and listen to their concerns before any operations are started in their territories. In fact, Canada's Indigenous Arctic communities actually have a strong constitutional claim

¹⁰² Bayers, Lalonde, pp.1179.

¹⁰³ Emmerson, pp.103.

¹⁰⁴ Manley-Kasimir, pp.33.

for protection of their Aboriginal fishing, harvesting, and hunting rights- all of which would be infringed upon by oil and gas operations in their waters.¹⁰⁵ In the recent Supreme Court of Canada case of *Haida Nation v. British Columbia (Minister of Forests)*, the Supreme Court confirmed that the Government of Canada has a duty to consult Aboriginal groups before exploiting lands on which they have claims to:

Balance and compromise are inherent in the notion of reconciliation. Where accommodation is required in making decisions that may adversely affect as yet unproven Aboriginal rights and title claims, the Crown must balance Aboriginal concerns reasonably with the potential impact of the decision on the asserted right or title and with other societal interests.¹⁰⁶

Another important factor behind the Government of Canada's obligation to consult with its Arctic Indigenous communities is that they are actually a crucial part of Canada's sovereignty claims over the waters in its Arctic Archipelago. The economic and cultural dependence of the Inuit on sea ice is emphasized in the 1993 Nunavut Land Claims Agreement as a significant supporting argument for Canadian sovereignty in the archipelago waters.¹⁰⁷ It could actually be argued that the Canadian government created the relatively autonomous territory of Nunavut in 1999 in order to use its Indigenous inhabitants as a bastion to its territorial claims, rather than for the publicly declared social justice oriented reasoning.¹⁰⁸

Indigenous communities do not have to be seen as an obstacle to Arctic development, but the Canadian government needs to ensure that their needs are accommodated in

¹⁰⁵ Ibid, pp.35.

¹⁰⁶ *Haida Nation v. British Columbia (Minister of Forests)* (2004) 3 SCR 511, para. 50.

¹⁰⁷ Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada, *supra* note 133, art. 15.1.1.

¹⁰⁸ Steve Dobransky, (2012). "Military security, energy resources, and the emergence of the Northwest Passage: Canada's Arctic Dilemma." *American Diplomacy*. pp.9.

order to avoid the worst case scenario of a humanitarian crisis. The Canadian government has already come under heavy criticism for its treatment of Indigenous communities around the Alberta tar sands, as more evidence continues to surface that indicates oil development operations are causing increases in cancer and other serious diseases in the communities.¹⁰⁹ Similar occurrences in Canada's Arctic would likely have devastating effects, as these Indigenous communities are small and often very far away from medical centres.

3.3: Lack of infrastructure

While the Government of Canada continues with its "use it or lose it" rhetoric towards Arctic development, the truth is that there is still plenty of work to be done before they can even begin to bare the economic fruits of the Arctic. This is mainly due to the fact that there is a substantial lack of infrastructure for any industry to be successful in this remote region. The most apparent reason for this is the fact that the vast majority of the Canadian population lives much further south, relatively close to the U.S. border, and there has never been a real need to develop an area so far away from civilization in a country that already has a small population size to land-mass ratio. Moreover, the extreme weather and general mysteriousness of the Canadian Arctic has historically made any development there seem undesirable, if not impossible. But now that climate change is making the area more accessible and studies are showing an abundance of resources, development seems more desirable. However, the problem of a lack of infrastructure still remains.

¹⁰⁹ Renee Lewis, (July 8, 2014). "Canada tar sands linked to cancer in native communities, report says." *Al Jazeera America*. Link: <http://america.aljazeera.com/articles/2014/7/8/canada-oil-cancer.html>

The problem with developing an infrastructure in the Arctic is that it is tremendously expensive, and one reason for this is the geography. Permafrost creates big problems for construction because of thawing underneath structures and roads. There are ways around this, the most common one being a special foundation built above ground so that the building's warmth doesn't melt the permafrost underneath, but it is quite costly. There is also the issue of coastal erosion. This is a result of the stronger waves that are occurring at an accelerated rate due to diminishing sea ice. This erosion damages port infrastructure and increases the rate of permafrost melt. The effects of coastal erosion can be mitigated by various methods of strengthening the shoreline, but they are also expensive tasks.¹¹⁰

Many other construction challenges also make development more expensive. Construction materials and equipment are usually not readily available when they are needed and they often need to be shipped long distances during the brief summer window in order to reach a job site. Not only can this cause lengthy delays, the cost of transport is often more expensive than the cost of buying the material or equipment.¹¹¹ Finding skilled labour for a job is another issue that drives up costs of development projects. Nearby villages can provide some labour, but skilled construction labour usually needs to be imported from other locations. One labour issue cited by industry experts is how many in the local labour force have to hunt or do other duties during the summer seasons in order to prepare for the winter. Bringing in outside workers consequently means that temporary camps need to be built, resulting in more additional costs. Finally,

¹¹⁰ United States Government Accountability Office, pp.27.

¹¹¹ Kikkert, pp.549.

the short construction season means that most types of construction can only take place within a window of four months.¹¹²

3.4: Barriers to developing the Northwest Passage as a shipping route

While the prospect of longer ice-free seasons in the Northwest Passage and its shortcut from Europe to Asia may seem like a mouth watering prospect for shipping companies, the truth is that many of them are still wary about using it. This is because underneath the surface, there are still many complications that remain.

On the surface, less ice in the Passage seems like it will make it easy for vessels to traverse through. However, scientists differ on whether or not this is in fact the case. The Arctic Climate Impact Assessment thinks that the opposite is true:

Results of research at Canada's Institute of Ocean Sciences suggest that the amount of multi-year sea ice moving into the Northwest Passage is controlled by blockages or "ice bridges" in the northern channels and straits of the Canadian Arctic Archipelago. With a warmer arctic climate leading to higher temperatures and a longer melt season, these bridges are likely to be more easily weakened (and likely to be maintained for a shorter period of time each winter) and the flushing or movement of ice through the channels and straits could become more frequent. More multi-year ice and potentially many more icebergs could thus move into the marine routes of the Northwest Passage, presenting additional hazards to navigation.¹¹³

The Canadian Ice Service has predicted yearly variability in sea-ice conditions, even if the Arctic region as a whole experiences an overall reduction in sea-ice.¹¹⁴ Other scientists believe that as the Arctic Ocean icepack moves north, less multi-year ice will

¹¹² United States Government Accountability Office, pp.29.

¹¹³ Hassol, *ACIA*, pp.84-85.

¹¹⁴ K.J. Wilson et al., (2004). "Shipping in the Canadian Arctic: Other Possible Climate Change Scenarios," *INTERNATIONAL GEOSCIENCE AND REMOTE SENSING SYMPOSIUM PROCEEDINGS* pp.1856.
Link: http://www.arctic.noaa.gov/detect/KW_IGARSS04_NWP.pdf.

make its way into the Northwest Passage.¹¹⁵ Clearly there is much disagreement on ice conditions in the Passage for the near future, but nearly all scientists agree that it will be fully navigable for part of the year by 2050.¹¹⁶ No matter which scientists they choose to believe, it seems that the Canadian government is attempting to prepare for the eventual point when the Northwest Passage is safely navigable.

The short term problem the Canadian government needs to address in order to encourage more shipping activity is the sporadic and unpredictable patterns of ice. Winds and currents are constantly shifting ice into channels which were clear only a matter of days or weeks before.¹¹⁷ The most dangerous ice in these channels is multi-year ice chunks. While usually only about a meter large, they still weigh more than a metric ton. They are extremely hard and barely float above the surface, making them very difficult for ships to detect. If a ship hits one at full speed it could be devastating. For example, in 2007 the cruise ship *MS Explorer* sank in Antarctica after hitting one, even though it had an ice-strengthened hull.¹¹⁸ Without proper monitoring of these ice chunks, even ice-strengthened ships will have to slow down when traversing the Northwest Passage, consequently reducing the value of a shortcut through the Arctic. In order to curtail this problem, Canada needs to upgrade its ice reporting systems. While the current system has worked relatively well over the past three decades, it is predicated on relatively consistent ice conditions and is not effective at taking year to

¹¹⁵ Byers, Lalonde, pp. 1140.

¹¹⁶ Ibid, pp.1141.

¹¹⁷ Adam Lajeunesse, (2012). "A new Mediterranean? Arctic shipping prospects for the 21st century." *Journal of Maritime Law & Commerce*, 43(4). pp.522.

¹¹⁸ Lasserre, pp.801.

year variation into consideration. Seeing how year to year ice conditions are becoming more and more unpredictable, this could become a problem when more ships begin to travel through the Northwest Passage. An investigation by the Canadian Hydraulics Centre testing the efficiency of the current ice reporting system found that the system often allows vessels into potentially dangerous areas while also restricting ships from entering regions with favourable conditions.¹¹⁹ Other experts have also expressed concerns about the system, saying it needs to be expanded to consider factors like speed, visibility, and the experience of the ice navigator.¹²⁰ One example of what can happen with an ineffective ice reporting system was a collision in 2010 of two oil tankers in the Russian Arctic. Two tankers owned by Murmansk Shipping Company collided due to difficult ice conditions that was compounded by poor visibility. While the vessels did not sink, the hulls were damaged and there was a real risk of the 13,300 tons of diesel on board spilling into the ocean.¹²¹ Had there been a more adequate ice reporting system in place, it is arguable that this near disaster would never have happened.

Other technology such as radio and radar beacons, lighted marks, radar reflectors and various buoys are also needed to mark off safe passages. Canada should model its plans after the Northern Sea Route, which deploys radio beacons in 47 locations, seventeen of which are manned stations. 200 radar reflectors are also placed along its coast because the low surrounding islands make radar navigation difficult. The Northern

¹¹⁹ Ivan Kubat, Gary Timco. (2008). "Ice Regimes Options for the ASPPR: The Way Forward," *Arctic Shipping North America, International Conference & Seminar*, pp. 4.

¹²⁰ Gary Timco, Ivan Kubat, (2001). "Canadian Ice Regime System: Improvements Using an Interaction Approach." *Proceedings 16th International Conference on Port and Ocean Engineering under Arctic Conditions*, pp.769-775.

¹²¹ Bert, pp.9.

Sea Route also has 250 lighted marks and 200 unlit marks, as well as 1,000 floating marks added during the summer.¹²² While the Canadian Coast Guard maintains a number of fixed and floating aids, it still has a lot more work to do in this area if it intends to make the Northwest Passage a legitimate shipping route.

In order to reduce ships being grounded in the Northwest Passage, Canada needs to increase its hydrographic mapping efforts. As of 2012, only 10% of the total Arctic maritime area has been mapped to modern standards, and has consequently resulted in several groundings. This includes the grounding of a tanker carrying nine million litres of fuel in 2010 off the coast of Nunavut.¹²³

The Arctic sea ice does not only pose a physical threat to vessels, it will also result in extremely high insurance costs. While it is unknown how high insurance premiums would be for journeys through the Canadian Arctic, it has been estimated that they would cost anywhere between 150% to 300% higher than journeys through blue water.¹²⁴

These sky-high insurance premiums actually indicate that the dangers and liabilities of an Arctic transit means that costs would exceed the savings made by taking the Northwest Passage shortcut on a journey from Japan to New York.¹²⁵ This is yet another reason why Canada needs to upgrade its infrastructure in and around the Northwest Passage. The more effort that is put in to make it is a safe and reliable route, the more insurance premiums will decline.

¹²² Yohei Sasakawa, (2001). "The Northern Sea Route: The Shortest Sea Route Linking East Asia and Europe" *Tokyo; The Ship and Ocean Foundations*, pp.71.

¹²³ CBC News, (Feb 04, 2014). "Oil tanker off course when it ran aground in Nunavut." Link: <http://www.cbc.ca/news/canada/north/oil-tanker-off-course-when-it-ran-aground-in-nunavut-1.2522730>

¹²⁴ Franklyn Griffiths, (2004). "Pathetic Fallacy: That Canada's Sovereignty is on Thinning Ice," *Canadian Foreign Policy*, Spring Issue, pp.413-415.

¹²⁵ Ibid.

When looking at the Northwest Passage as a feasible shipping route, one must realize that the cornerstone of container shipping is just-in-time delivery. It is not good enough for shipping companies to go from point A to B without a deadline to meet. These firms have strict timetables, and if the goods are late they will be subjected to heavy penalties and damaged credibility.¹²⁶ Another problem is that shipping timetables need to be made and published well in advance, and if the route is only available for a few months of the year it makes it difficult to plan exactly when to use which route- especially when considering the unpredictable yearly ice patterns. If a strait is not open by the time a ship is scheduled to transit through it, it then creates a big dilemma for the shipping company. Moreover, most container shippers include several stopovers in their routes in order to maximize profit. For example on the route between the Mediterranean and eastern Asia, shipping company CMA-CGM stops over in Damietta (Egypt), Jeddah (Saudi Arabia), and Djibouti. In the Arctic there are very few ports, including only one in Canada (Churchill),¹²⁷ which means that there is far less profit to be made by going through the Northwest Passage in comparison to the canals and straits further south.

It is therefore not surprising that surveys conducted with shipping firms from around the globe have found that most are still skeptical of using Arctic routes like the Northwest Passage. A survey conducted by Frederic Lasserre found that only 17 out of 98 firms answered that they were interested in using Arctic routes. However, shipping firms with a stake in bulk transportation - what is usually used for resource exploitation - seem more keen on exploring their options.¹²⁸ Another survey done by the United States

¹²⁶ Lasserre, pp.805.

¹²⁷ Ibid, pp.806.

¹²⁸ Ibid.

Government Accountability Office found that bulk shipping companies are more interested in the Northern Sea Route, because it has been transited more and there is relatively less sea ice.¹²⁹

While Arctic routes will probably never be able to compete with the Panama or Suez canals for international shipping, the fact remains that destination shipping will experience substantial growth through the coming years in the region. As resource exploitation picks up in the Canadian Arctic, so will the need to make the Northwest Passage as safe as possible in order to benefit the economy and protect the environment. Most importantly the issue over sovereignty in the Passage needs to be settled in order to make sure that ships entering these waters know what laws and regulations they are to follow.

3.5: Security and surveillance in the Northwest Passage

If Canada truly wants to control the Northwest Passage, it needs to be able to effectively patrol it. Arctic stakeholders have heavily criticized Canada's deteriorating Coast Guard fleet and its aging 11 ships, as well as its CAD\$55 million funding gap. Its icebreaking fleet consists of two heavy icebreakers, four medium icebreakers, one light icebreaker, one research icebreaker, and three river class ships.¹³⁰ While a useful icebreaker lifespan is typically 30 years, the current planned replacement schedules will be replacing vessels 40-48 years old. Despite the rising costs of breakdowns and maintenance, Canada's 25-year fleet recapitalization plan is not scheduled to begin until

¹²⁹ United States Government Accountability Office, pp.16.

¹³⁰ National Defence and Canadian Forces, "The Fleet of the Canadian Coast Guard." Link: <http://www.dfo-mpo.gc.ca/media/back-fiche/2013/CCGC-eng.htm>

2017. The government plans to replace the 11 aging vessels and add five new ones, but critics are arguing that these new ships will not be adequate for effectively patrolling the Arctic.¹³¹

What Canada needs is more heavy icebreakers. There are currently only two, and neither are capable of operating year-round. While the 2008 federal budget promised to replace one of the vessels with the \$720 million *Diefenbaker*, this will take at least eight years and will not improve the coast guard's capabilities.¹³² If Canada wants a model of what an effective fleet of icebreakers can do, they need to look at Russia. To assist traffic through the Northern Sea Route, Russia deploys seven nuclear powered icebreakers and several strong diesel powered craft. While Canada's planned Offshore Patrol Craft will be valuable additions to search and rescue and law enforcement, they will not provide the capabilities needed to escort and rescue vehicles trapped in the ice.¹³³

In order to assert full sovereignty in the Arctic, Canada would need to be able to patrol the Northwest Passage year-round. This can only be possible with an icebreaker of Polar 8 strength. While the Harper government has acknowledged this need, budgetary restraints have resulted in the planned construction of the three-season *John G. Diefenbaker* ship.¹³⁴ While this is a step forward, it is not nearly enough to fully patrol the vast Canadian Arctic.

¹³¹ James Parsons et al. (2011). "Northern opportunities: A strategic review of Canada's Arctic icebreaking services." *Marine Policy*, 35. pp. 550.

¹³² Adam Lajeunesse, (2008). "The Northwest Passage in Canadian policy." *International Journal*. pp. 1043.

¹³³ Lajeunesse, pp.532.

¹³⁴ Elliot-Meisel, pp.218.

Canada also needs to step up surveillance in the region. Traditionally, Canada has relied on its small fleet of CP-140 Aurora patrol aircraft. One idea for more efficiency could be to use unmanned drones in the region. Drone technology is rapidly improving and many, like the Predator drone, are able to fly for 40 hours with a range of 3,700 km. New solar powered drones can stay in the air for days, or even weeks at a time. Using drones would save money on fuel consumption and crew costs, and would arguably be a more efficient method of surveilling the region.¹³⁵

The bottom line is that in order for Canada to lay claim to the Northwest Passage, it needs to prove that it has the ability to control the region on which it is laying claim. While Canada does not seem to benefit financially from the Northwest Passage in the near future, it needs to decide how much it wants to invest in the long term. This is a tricky predicament, and the decision needs to be made soon considering Canada's aging icebreaker fleet and lack of Arctic infrastructure combined with the rapidly growing international interest in developing the Arctic.

While the Stephen Harper government has built on its predecessors strong rhetoric regarding the Arctic, it has yet to prove it is doing more than just blowing hot air. Moreover, if it is not ready to make the investment, it needs to look for other options. The Canadian government could use private investments to assert Canadian sovereignty for example, but the best option would be to back off from its aggressive approach and return to its traditional liberal internationalist foreign policy that has worked so well in the past.

¹³⁵ Lajeunesse, pp.533.

Chapter 4: Three theoretical perspectives of Canadian foreign policy

There are three dominant theoretical perspectives of Canadian foreign policy: peripheral dependency, liberal internationalism, and complex neorealism. All three of these theories have seemed to many, at one point or another, to be the most credible description of the nature of how Canada conducts itself in the international political arena. This chapter will break down these theoretical perspectives and will argue that the Stephen Harper government has moved away from Canada's longstanding liberal internationalist foreign policy and towards a complex neoliberal approach.

4.1: Peripheral dependency

The peripheral dependency theory according to Dewitt and Kirton regards Canada's global ranking as a "small, penetrated power within the international hierarchy."¹³⁶ This theory asserts that Canada has been increasingly dominated both culturally and economically by the United States ever since it received control over its own foreign policy from Britain. Being a small, penetrated power, Canada has a "degree of international activity characterized by low interaction with the outside world and the virtual absence of independent, direct contacts in world politics."¹³⁷

A peripherally dependent country's foreign policy is almost always the same as the controlling state, which in Canada's case would be the United States. Kirton argues that this makes Canada's foreign policy very predictable.¹³⁸ This theory also concludes that

¹³⁶ John Kirton, David Dewitt. (1983). *Canada as a Principle Power*. Toronto, Thomson Nelson. pp.30.

¹³⁷ Ibid, pp.31.

¹³⁸ John Kirton. 2007. *Canadian Foreign Policy in a Changing World*. Toronto: Thomson Nelson. pp.59.

Canada's international trajectory is on a perpetual decline, as the country becomes increasingly more dependent on the United States.¹³⁹

There are several critical problems with the Canadian peripheral dependency theory. Appel Molot argues that this theory does not allow for the possibility of change in status over time.¹⁴⁰ But the biggest problem with this theory is that its supporters rely too much on Canada's relationship with the United States, while seeming to cognitively ignore Canada's relations with other countries, as well as the significant role it plays in international organizations.¹⁴¹

One specific relatively recent example especially goes against this theory. The instance was Canada's decision to follow international law by declining to join the Iraq war in 2003 without the United Nations' approval. Liberal Prime Minister Jean Chrétien made clear that his main reason for declining was Canada's commitment to internationalism, saying "If military action proceeds without a new resolution of the [United Nations] Security Council, Canada will not participate."¹⁴²

¹³⁹ Ibid, pp.67.

¹⁴⁰ Maureen Appel Molot. (2007). "Where Do We, Should We, or Can We Sit? a Review of Canadian Foreign Policy Literature." *Readings in Canadian Foreign Policy: Classic Debates and New Ideas*, ed. Duane Bratt and Christopher Kukucha, Don Mills: Oxford University Press. pp.66.

¹⁴¹ Ibid, pp.65.

¹⁴² Sunny Freeman (March 13, 2013). "Canada's 'no' to Iraq war a defining moment for Prime Minister, even 10 years later." *Huffpost Politics Canada*. Link: http://www.huffingtonpost.ca/2013/03/19/canada-iraq-war_n_2902305.html.

4.2: Liberal internationalism

Liberal internationalism has been the dominant perspective of Canadian foreign policy analysts ever since the end of the Second World War, when Canada was given full control of its foreign policy.¹⁴³

Lester B. Pearson is considered the chief practitioner of Canada's liberal internationalist approach. While he would eventually become Canada's Prime Minister in 1963 and served until 1968, he played a big role in Canadian foreign policy in the three previous decades through roles such as head of the Canadian delegation to the League of Nations, as Canada's first ambassador to the United States in 1944, as deputy minister of state for External Affairs in 1946, and as secretary of state for External Affairs from 1948 to 1957.¹⁴⁴

Dewitt and Kirton regard liberal internationalism as being "less systematic theory than a collection of assumptions and descriptions."¹⁴⁵ But what is central to liberal internationalism is the desire to achieve desired goals through diplomacy and compromise rather than through brute military power.¹⁴⁶

Pearson and his fellow diplomats constantly referred to Canada as a "middle power." They believed that playing the role of middle power meant that Canadian diplomats could act as "middlemen" for the superpowers at the UN and other international organisations in order to obtain sponsors for compromise resolutions, to lobby in order to

¹⁴³ Erika Simpson, (1999). "The principles of liberal internationalism according according to Lester Pearson." *Journal of Canadian Studies*, 34(1). pp. 75.

¹⁴⁴ Ibid, pp.76.

¹⁴⁵ Kirton, Dewitt, pp.17.

¹⁴⁶ Kirton, pp.36

avoid dangerous confrontation and to attempt to reduce tension among nations through the mechanisms of international organisations.¹⁴⁷

Pearson wanted to take the most important concepts of liberalism to individuals - equality, freedom, and tolerance - and apply them to the international realm, in order to create an equality of nations. He referred to the concept of functionalism as the most effective method for enabling Canada as well as other middle and smaller powers had a voice and influence in international institutions. He thought that any nation should be able to freely exert influence and take action on issues that it is directly or indirectly affected by.¹⁴⁸ When receiving his Nobel Peace Prize, Pearson said in his speech, "Men normally live together in their own national society without war or chaos. So it must be one day in international society. If there is to be peace, there must be compromise, tolerance, agreement."¹⁴⁹

For example, during the 1940's and 50's Pearson and his fellow diplomats argued that Canada needed to have needed to have a stronger voice and a seat at the table when it came to issues such as the management of international trade, the production and distribution of food, the regulation of civil aviation and the harnessing of atomic power, because Canada had a strong interest and comparative advantage in these matters. He asserted that: "membership on bodies and committees would include those, but only

¹⁴⁷ Simpson, pp.78.

¹⁴⁸ Ibid, pp.86.

¹⁴⁹ Lester B. Pearson, (December 11, 1957). "The Four Faces of Peace." *Nobel Peace Lecture*. Link: http://www.nobelprize.org/nobel_prizes/peace/laureates/1957/pearson-lecture.html

those, who had a very real and direct interest in the work and could make a contribution to it.”¹⁵⁰

A big part of Pearsonian liberal internationalism is the ability to compromise. He believed that a foreign policy that was flexible and reactive was much more effective for middle and smaller powers than a policy that laid its principles in stone. This quote on the importance of a flexible foreign policy is more pertinent today than ever before:

If flexibility in the conduct of foreign policy is essential for Canada, it is unwise, then to lay down dogmatic priorities and postulates. This is especially true at a time of rapid and cataclysmic change, of the sudden emergence of international problems not even conceivable ten years before. In contemporary foreign policy, more than in most things, today's wisdom can quickly become tomorrow's folly. ¹⁵¹

Along with flexibility, Pearson also advocated quiet diplomacy. This means that efforts to influence other countries decision making processes should use private persuasion, rather than public criticisms. He said that “too many public declarations and disclosures run the risk of complicating matters for those concerned. The more complex and dangerous the problem, the greater the need for calm and deliberate diplomacy.”¹⁵²

Pearson believed that world peace was achievable, and that international organizations were the means of achieving it. For this reason he argued that Canada should be active in accepting international responsibilities.¹⁵³ He rejected the realist assumption that human nature inherently made progress towards a better world a steep task, and instead claimed that there was a gradual and inevitable trend towards peace through the

¹⁵⁰ Simpson, pp.79.

¹⁵¹ Ibid, pp.84.

¹⁵² Ibid.

¹⁵³ Ibid, pp.81.

perfecting of international institutions.¹⁵⁴ There is no question that Pearson believed that the United Nations was the international institution that was most capable of pushing forward peace and fairness among nations:

I felt then, as I do now, that the growth of the United Nations into a truly effective world organization was perhaps our best, perhaps our last, hope of bringing about enduring and creative peace if mankind was to end a savage tradition that the strong do what they can and the weak suffer what they must. With all its weaknesses, which soon became clear but which, after all were only those of its member states and the system of international anarchy in which they had to operate, the United Nations was at least a foundation for a new world on which we could build.¹⁵⁵

Finally, Pearson saw the idea of collective security and collective defense as crucial to Canadian and international security. He saw the UN peacekeeping forces (which he played a pivotal role in creating) and NATO as “a step in the right direction in putting international force behind an international decision.”¹⁵⁶

Critics of the liberal internationalist theory argue that its biggest flaw is that it’s too broad, and is too applicable to a wide range of case studies.¹⁵⁷ But one cannot deny that, until recently, Canada has been following a relatively linear line of liberal internationalist policies.

4.3: Complex neorealism

The complex neorealist theory is the newest theoretical concept of Canadian foreign policy. Dewitt and Kirton describe how this theory “focuses on the role of hegemonic powers in ensuring, defining, and extending international order in a system in which universal values remain secondary, in which a common security calculus and interest in

¹⁵⁴ Ibid, pp.86.

¹⁵⁵ Ibid, pp.87.

¹⁵⁶ Ibid, pp.83.

¹⁵⁷ Kirton, pp.36.

balance provide no substitute, and in which leadership is required to transform convergent interests into stable order.”¹⁵⁸ This theory sees the history of international relations as dominated by a succession of hegemonic powers, with very few periods of balance among equally powerful states. During the critical transition from a period of balance to a period of hegemony, order is typically defined by a number of “principle powers.”¹⁵⁹ Proponents of this theory believe that we are currently going through a similar period, and that Canada should be regarded as a principle power.

According to Kirton and Dewitt, three characteristics make up a principle power. First, it is a state that stands at the top of the international status ranking and is differentiated from states on the lower end of the hierarchy by both objective and subjective criteria. Second, it has sufficient capacity to deter significant direct assaults on its domestic territory, as well as a capability to provide an effective strategic presence abroad. Third, they have a principle role in defining and enforcing international order.

When measuring Canada up to these characteristics, complex neorealists assert that the relative size, the wealth of natural resources, advanced technology, and skilled population place the country in the top tier of the international hierarchy. Canada’s rank is also supposedly reinforced by its membership in relatively exclusive international groups, such as the G8, that only include top ranked states. While proponents of the theory do not hide the fact that Canada lacks a nuclear arsenal and effective military deterrence, they still assert that Canada contributes militarily to strategy stability in several critical regions, with the most recent example being the crucial role of the

¹⁵⁸ John Kirton, David Dewitt. (2009). “Three theoretical perspectives.” *Readings in Canadian Foreign Policy: Classic Debates and New Ideas*, ed. Duane Bratt and Christopher Kukucha, 62–75. Don Mills: Oxford University Press, pp.33.

¹⁵⁹ Ibid.

Canadian forces in the province of Kandahar, Afghanistan. Finally, complex neorealists contend that Canada plays a key role in managing global regimes in major issue areas.¹⁶⁰

Kirton and Dewitt describe how complex neorealists believe Canada's path to becoming a principle power began during the period from 1960 to 1968, when the country embraced globalism and used foreign aid as a means of advancing Canadian interests on a worldwide scale. Through doing this, Canada extended its diplomatic reach to all regions of the world. Then in 1968, the government of Prime Minister Pierre Trudeau adopted a policy of exporting Canadian values in order to increase influence abroad. They believed that the policies of a 'new' Canada, such as bilingualism, ethnic relations, federalism, techniques of parliamentary government, income redistribution, and environmental protection. They believed that Canada's small, diverse, skilled population, along with its extensive resource base and advanced technology gave the country a strong platform from which to influence and define international order.¹⁶¹

This theory sees Canada as an ascending principle power since 1968, and in turn sees the United States as in decline since the same period. Thus Canada is amongst a global configuration of eight top tier powers in an increasingly non-hegemonic global order.¹⁶²

According to Kirton and Dewitt, complex neorealists point to several signs that Canada is a principle power, capable of acting unilaterally. First, what liberal internationalists see as acts of a multilateralist attempt to preserve co-operative agreements, complex neorealists see as a "self-motivated effort to operate within the confines of the existing

¹⁶⁰ Ibid, pp.35.

¹⁶¹ Ibid, pp.34

¹⁶² Ibid, pp.35.

system to national advantage.”¹⁶³ Second, complex neorealists believe Canada often diverges from the international community and adopts positions on major issues that deviate from other traditionally associated countries. Third, complex neorealists assert that Canada tends to diversify its sources of information, markets, investment, and general political support. In doing this, Canada ensures that it does not rely on the imperial power (United States) and can increase its power through a diversity of other states that serve as a substitute for the imperial power.

Where complex neorealism especially differs from liberal internationalism is how it views the United Nations as an obsolete institutionalised pattern of international relations, and that it is more beneficial for Canada to embrace more restricted-membership, task specific organizations such as la Francophonie, the Namibia Contact group within the Security Council, the Organization for Economic Co-operation and Development, the International Energy Agency, the London Suppliers Group on nuclear materials, and the Western Economic Summits held since 1975.¹⁶⁴

The main criticism of complex neorealism according to Kirton is that it asserts “states are autonomous actors, who behave according to their own interests and values through self constructed calculations.”¹⁶⁵ This insinuates that a state can never negotiate honestly between other principle states, and thus fails to effectively explain Canada’s role in many international organizations, as Canada has a long history of setting aside national interest in the pursuit of common objectives.

¹⁶³ Ibid, pp.36.

¹⁶⁴ Ibid, pp.38.

¹⁶⁵ Kirton, pp.82.

While there were certainly signs of a retreat from liberal internationalism during the 1990's, when the Conservative government made significant cuts to defense and foreign policy in order to pay down the federal deficit,¹⁶⁶ But there is no doubt now that Canada has certainly embraced complex neorealism under the Harper government. Prime Minister Harper has favoured a self-interested, almost *Realpolitik* style of foreign policy, and the Arctic is no exception. Harper has gone against international opinion and the rule of law to claim sovereignty over the Northwest Passage. He has also gone against advancing the growth of the Arctic Council, and instead pursued a more exclusive forum known as the Arctic Five (A5). Further, rather than seeking regional or international cooperation in patrolling Canada's Arctic, Harper has instead vowed to improve Canada's military capabilities in the North.¹⁶⁷ Finally, and perhaps most indicative of Harper's shift to complex neorealism in the North, is his government's refusal to work with the United States in the Northwest Passage. This fits in with the main component of the complex neorealist theory- that a principle state is able to work independent of the imperialist state.

¹⁶⁶ Jean-Francois Rioux, Robin Hay. (1997). "Canadian Foreign Policy: From Internationalism to Isolationism?" *The Norman Paterson School of International Affairs*, Carleton University. pp.26.

¹⁶⁷ Ciara Margaret Marie Sebastian. (2013). "Canadian Approaches to Arctic Foreign Policy." *Faculty of Graduate Studies and Research*, University of Regina. pp.15.

Chapter 5: Returning to multilateralism- An effective Northwest Passage policy

This chapter will insist that the complex neorealist Arctic strategy of the Harper government has been largely ineffective, and Canada therefore needs to once again embrace liberal internationalism. It will then elaborate on how Canada should pursue control over the Northwest Passage using a liberal internationalist foreign policy, concluding that an international agreement through the International Maritime Organization (IMO) is the most effective option.

5.1: Re-embracing multilateralism

The Harper government's loud, boorish rhetoric in the Arctic is proving to do little except score a few political points in the media.¹⁶⁸ The fact is that the other Arctic states, and Russia in particular, are more than aware that Canada does not have anywhere near the capability to effectively enforce its claims of sovereignty unilaterally.¹⁶⁹ While Lester B. Pearson himself said that Pearsonian liberal internationalism was not a set of firm guidelines capable of adapting to all aspects of continuous evolution international relations,¹⁷⁰ one of the recurring normative themes that Canada needs to return to is quiet diplomacy. This has been one of the most successful tools in the past for Canadian foreign policy, especially when dealing with Arctic powers like the United States and

¹⁶⁸ Whitney Lackenbauer, (2009). "From polar race to polar saga: An integrated strategy for Canada in the circumpolar world." *Canadian International Council: Foreign Policy for Canadian's Tomorrow*. pp. 4.

¹⁶⁹ John Kennair. (2009). "An inconsistent truth: Canadian foreign policy and the Northwest Passage." *Vermont Law Review* 34. pp.28.

¹⁷⁰ Simpson, pp.84.

Russia.¹⁷¹ Russia has especially seemed surprisingly open to working out Arctic issues through diplomatic means, and quiet diplomacy would certainly be more constructive for Canada-Russia Arctic relations than Prime Minister Harper's current approach.

While Canada does still provide a considerable amount of support for multilateral institutions, the Canadian government has been criticized for failing to commit tangible resources over the past 15 years.¹⁷² Continuing to move away from multilateralism could be detrimental to Canada's image. Indeed, one could argue that it is hypocritical for a country that once fought for middle and smaller nations to have a larger voice in international institutions is now fighting to leave them out. This holds true in the Arctic, where Canada has remained hesitant to leverage the more inclusive Arctic Council and has instead been more proactive in the Arctic Five (A5), which only includes the five Arctic coastal states, and has been strongly criticized by the non-coastal members of the Arctic Council.¹⁷³

Keating argues that countries like Canada, who have an extensive network of multilateral connections and commitments, have a greater responsibility to make the system work. He asserts that Canada's interests require a stable international system in which middle powers and smaller nations have the opportunity and capability to inject their own views. Keating references what is termed a Groatian view of the world to describe Canada's past successes in creating world order based on principles such as state sovereignty, liberal trading practices, and regional security:

¹⁷¹ Ibid.

¹⁷² Tom Keating, (2007). "Canada and the New Multilateralism," *Readings in Canadian Foreign Policy: Classic Debates and New Ideas*, ed. Duane Bratt and Christopher Kukucha, Don Mills: Oxford University Press. pp.21.

¹⁷³ Haftendorn, pp.339.

This is a view that privileges order above other values, in part because order served other Canadian interests, but also because order allowed for the pursuit of more substantive goals. These efforts may in part be seen as a sacrifice of principle and a commitment to process over end results. Yet in an environment where the failure of process can also generate a failure to achieve the desired results a concern for process is not inappropriate. This approach, in my view, was based on a belief that the process was not independent of the outcome in two critically important ways. First, that the process would tend to favour the outcomes more likely to meet Canadian objectives than were others. Second, that the process itself was a critically important form of global politics. It was not so much a matter of form replacing substance as much as a view that form was substance.¹⁷⁴

He goes on to point out that since the 1940s Canada has dedicated a considerable amount of effort to make sure that the multilateral machinery which allows middle powers to affect the resolution of issues in an anarchic system dominated by great powers.¹⁷⁵ Keating also makes sure to clarify that this policy is not simply some altruistic gesture for good of the international community, and that a significant reason for this policy is to reinforce Canada's sovereignty as the country is perpetually pressured by the power and proximity of the United States.¹⁷⁶

Indeed, the United States seems to be increasingly vehement in its opposition of multilateralism. While it became blatantly evident that the US had little faith in the effectiveness of international institutions during the years of President George W. Bush, there has in fact been a long standing and widespread negative view of multilateralism in the US. While Canada and US interests have clashed several times in international institutions (environmental agreements, the International Criminal Court, and the UN's role in Iraq),¹⁷⁷ it is important for Canada to try to encourage and accommodate its neighbour to reengage in multilateralism rather than to follow their lead and engage in a

¹⁷⁴ Keating, pp.23.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid, pp.22.

¹⁷⁷ Ibid, pp.24.

unilateral foreign policy themselves, like the Harper government is currently doing. As this chapter previously mentioned, Canada simply does not have the capability to act unilaterally in an effective manner. As competition in the Arctic heats up, Canada must embrace multilateralism to avoid being bullied by the United States as well as Russia.

Canada needs to back away from the A5 and reengage with the Arctic Council. Indeed, it was Canadian initiative that first pressed for the creation of the five country “Arctic Basin Council” in the 1970’s as a means of achieving broader cooperation in the North by giving more leverage to the smaller states. It was also a Canadian idea to increase the number of states from five to eight in what would eventually become the Arctic Council.¹⁷⁸

There are two things that Canada should take the lead on in order to improve the Arctic Council. First, there needs to be more inclusion of non-Arctic states in the Arctic Council. Arctic states need to recognize that development in the Arctic has a global impact that is of concern to states across the globe. For example, the European Union (EU) has the expertise, resources and competence to contribute to Arctic development. The EU is a worldwide leader on climate change, a major contributor to Arctic research and to relevant technologies such as carbon capture and storage. Asian countries have also shown strong interest in the region, particularly in the new sea lanes opening up. However, Canada led the push suspend EU’s application for permanent observer status to the Arctic Council in 2009. The applications of China, Italy, and South Korea have also been suspended, showing strong signs that the Canadian government would prefer to keep the shaping of Arctic policy within the circumpolar region in order to serve national

¹⁷⁸ Carina Keskitalo, (2012). “Setting the agenda on the Arctic: Whose policy frames the region?” *The Brown Journal of World Affairs*, 20(1). pp.156.

interests at the expense of long-term global considerations.¹⁷⁹ Second, Canada should push for an increase of the Arctic Council's powers. Upgrading it from a "high-level" forum to a formal organization capable of making binding decisions. This would give the smaller nations in the Council more say in Arctic policy and a way of leveraging against the superpowers in the region.¹⁸⁰

But the fact remains that even if the Canadian government were to change its stance, increasing the power of the Arctic Council would require a concerted effort to convince the United States for its support. The United States opposes any kind of legislative capabilities being given to the Arctic council because it believes that no organization should have the ability to legislate inside US territory, as it would be considered an infringement on sovereignty.¹⁸¹ However, the no international organization can be considered truly effective without superpowers like the United States on board, and therefore attempts to persuade the United States to change its position are worthwhile.

While the Arctic Council continues to run into barriers, activity in the Arctic is steadily increasing. In order to accommodate Arctic development in a safe and efficient manner, Canada may have to seek multilateralism through ways outside of the existing institutions. Indeed, as suggested in chapter three, there is an increasing need for an effective regional security and pollution response force. Liberal internationalism sees collective security as key to Canadian sovereignty.¹⁸² Increased search and rescue cooperation agreements with the US and Denmark in the Beaufort Sea and Baffin bay

¹⁷⁹ Blunden, pp.136.

¹⁸⁰ Keskitalo, pp.157.

¹⁸¹ Kennair, pp.22,23.

¹⁸² Simpson, pp.83.

areas, along with common stockpiles of emergency response pollution equipment mentioned in chapter three, would be a great start.

5.2: Creating a realistic Northwest Passage policy for a middle power

There are several approaches that the Canadian government can take to secure control over the Northwest Passage. However, the consequence for each approach greatly vary and Canada needs to be very diligent in weighing the pros and cons of each option.

Unilateral control through the International Court of Justice

The most effective approach for claiming the Northwest Passage as internal waters would be to go through the International Court of Justice (ICJ) and use the precedent set by the *Anglo-Norwegian Fisheries Case*. After having numerous fishermen arrested for fishing in what Norway claimed to be its internal waters, the United Kingdom challenged the validity of Norway's self-drawn territorial baselines in the ICJ, arguing that they were not drawn in accordance with international law. The coastal line they were disputing was the Norwegian *skjaergaard*, which contains numerous islands, bays, straits, channels, and waterways. The Court ruled in Norway's favour, essentially saying the waters between the base-lines of the belt of territorial waters and the mainland are internal waters.¹⁸³

There are three ways that Canada can apply its sovereignty argument to the *Anglo-Norwegian Fisheries Case*. First, the Canadian Arctic Archipelago is similar to the *skjaergaard* because it is also made up of islands, bays, straits, channels and

¹⁸³ Du, pp.850, 851.

waterways. Also, the Indreleia is a maritime strait found within a coastal body of water and does not depart from the general direction of the coastline, just like the Northwest Passage. Second, just as Norway argued that the *skjaergaard* waters are important for the communication amongst the local population. Canada can argue that the Arctic Archipelagos are important to Canada's culture and national identity, as the waterways are a crucial part to the local aboriginals way of life. With an estimated population of 113,000 Canadians,¹⁸⁴ the Arctic is an important part of Canada. Third, the sea-to-land ratio in the Canadian Arctic Archipelago is 0.82 to 1, while the ratio for the Norwegian *skjaergaard* is 3.5 to 1.¹⁸⁵ One could therefore argue that Canada actually has a stronger case for sovereignty over the Northwest Passage than Norway did over the *skjaergaard* waters. While winning a successful claim through the ICJ would be a big step towards getting international recognition of Canada's Northwest Passage claim, there would still likely be the task of convincing the United States to come on board. As previously discussed, the United States tends to act unilaterally and often disregards international law. Therefore, it seems that no matter what route Canada would go through to get the international community to recognize the Northwest Passage as domestic waters, there would have to be a separate effort to gain the blessing of the United States.

Michael Byers believes the best way to get the US to recognize the Northwest Passage as an international strait would be for Canada to give up some concessions on the Beaufort Sea boundary dispute.¹⁸⁶

¹⁸⁴ Ibid, pp.852.

¹⁸⁵ Ibid, pp.853.

¹⁸⁶ Michael Byers. (2009). *Who owns the Arctic? Understanding sovereignty disputes in the North*. Vancouver, BC: Douglas and MacIntyer. pp.103.

The Beaufort Sea rests on the boundary line between the American state of Alaska and Canada's Yukon Territory. Canada and the United States have disagreed on the location of the Beaufort Sea boundary since 1976 when the United States protested the boundary line that Canada was using to issue oil and gas concessions. The next year both countries delineated exclusive fishing zones out to 200 nautical miles. However, these lines crossed over each other, and the dispute has never been settled since. What makes the dispute more complicated is that lucrative oil and gas reserves have been discovered under the seabed, and major oil companies are waiting for the dispute to be solved so they can begin to drill.¹⁸⁷

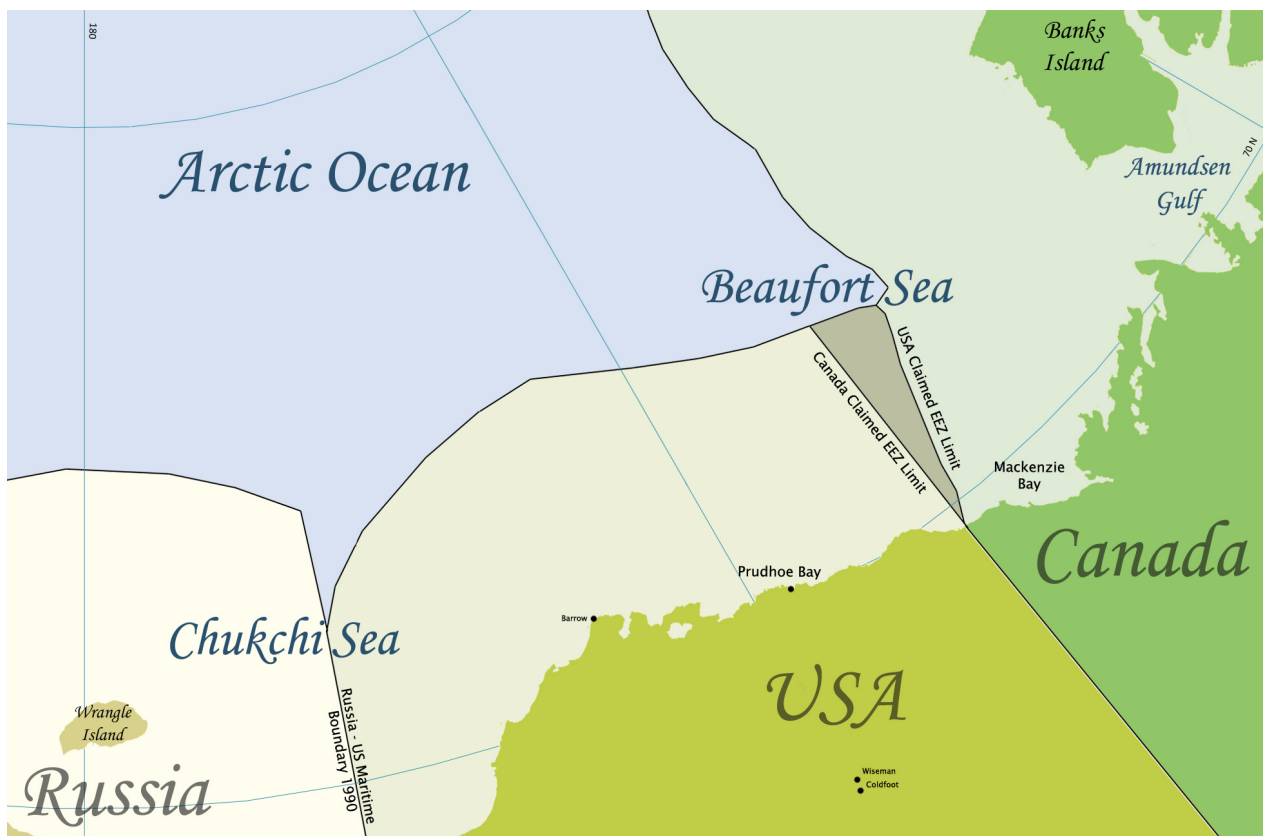


Figure 7: Map of Beaufort Sea maritime boundary dispute lines between Canada and United States.
Link: <http://arcticecon.wordpress.com/2011/01/10/beaufort-sea-dispute/>

¹⁸⁷ Michael Byers, James Baker. (2012). "Crossed lines: The curious case of the Beaufort Sea maritime boundary dispute." *Ocean Development & International Law*, 43. pp.71.

Michael Byers asserts that if Canada wants the US to recognize the Northwest Passage as internal waters, they may have to accept boundary lines through the Beaufort Sea that are much more favourable to the United States. While it is an interesting idea, Byers admits that it would by no means be a sure thing:

In considering this proposal, rational actors would likely want at least three pieces of information: (1) the location of the new Beaufort Sea boundary lines; (2) the expected values of the resources contained in newly acquired areas; and (3) accurate valuations of a national and international Northwest Passage. With this information in hand, the question for the United States then becomes: is the United States willing to accept more Beaufort Sea resources in exchange for an internal Canadian Northwest Passage? Is it willing to trade acquiescence to Canada's internal waters claim to the Northwest Passage for a larger share of Beaufort Sea oil?¹⁸⁸

Byers goes on to acknowledge that Canada would be the likely winner of this deal, because the United States would be giving up its rights in the Northwest Passage in exchange for access to more potential oil and gas reserves. Canada on the other hand would not be too concerned about giving up some of its oil reserves in exchange for full control over a potentially lucrative Northern trade route, especially because Canada already has the world's second-largest proven reserves of oil.¹⁸⁹ Therefore, this deal is by no means a sure thing,

As mentioned earlier, Canada simply does not have the capability to effectively manage the Northwest Passage on its own. Unilaterally controlling the Passage would be a substantial economic investment that would likely come at the expense of other foreign policy initiatives in other parts of the globe. With Canada's trade becoming increasingly continentally centric, this is just not a wise approach.¹⁹⁰ For this reason, abandoning the

¹⁸⁸ Byers, pp.182.

¹⁸⁹ Ibid, 183.

¹⁹⁰ Kennair, pp.30.

Harper government's complex neorealist approach and a return to liberal internationalist foreign policy is what is needed in the Arctic.

Multilateral control through the Arctic Council

Professors Douglas Johnston and Franklyn Griffiths have advocated for a Pearson style functionalist approach through the Arctic Council. They believe that the Council will enable the states with vested interest in the Northwest Passage to develop rules to apply to the waterway. They think this would be the most cost effective way of developing a viable sea route.¹⁹¹ If the EU and other interested states were granted permanent observer status, this would provide a very effective platform to develop a shipping policy with input from many different interests. However, the fact remains that the United States strongly opposes increasing the legislative power of the Arctic Council, and this does not appear to be likely to change anytime in the near future.

The idea of going through the Arctic Council is definitely a good start. Even shipping industry leaders agree that the beneficiaries of the international community must contribute fees to fund assistance of transiting vessels by Arctic icebreakers, as well as contribute to investment costs, share expertise in designing icebreakers and assist in construction.¹⁹²

Indeed, countries as far away as Japan and China seem willing to contribute. Both countries see themselves as primary economic beneficiaries of new sea lanes and hydrocarbon reserves, and would like to see peaceful, constructive resolutions to the

¹⁹¹ Franklyn Griffiths. (2009). "Towards a Canadian Arctic Strategy." *Canadian International Council: Foreign Policy for Canadians Tomorrow*. pp.11,13. Link: <http://opencanada.org/wp-content/uploads/2011/05/Towards-a-Canadian-Arctic-Strategy-Franklyn-Griffiths1.pdf>

¹⁹² Parsons et al, pp.554.

territorial disputes in the Arctic.¹⁹³ China especially could become a big player in the Arctic. Chinese oil companies have invested billions of dollars in over 120 oil projects all over the world, and views the Arctic as an attractive frontier. China's economy is also overwhelmingly export focused, with approximately half of its gross domestic product dependent on shipping. Therefore China is looking for any shortcut that it can find to its key markets, and the Arctic is no exception.¹⁹⁴

Multilateral control through the International Maritime Organization

It is important that Canada does not give in to the assumption that without unilateral control over the Northwest Passage the safety, security, environmental protection, and sovereignty of its Arctic Archipelago will be sacrificed.¹⁹⁵ In fact, when considering Canada's insufficient ability to control and monitor the Passage, one could argue that those four things would be in more danger under unilateral control. Further, the safety, security, and environmental protection of the Northwest Passage is of concern to all who intend to use it, not just to Canada.¹⁹⁶ This means there is a great opportunity for Canada to oversee a multilateral effort to develop and regulate the Northwest Passage. Canada must realize that it is possible to recognize the Northwest Passage as an international strait and still have a considerable degree of sovereignty over it.

¹⁹³ Kevin Cooney, (2010). "Securitization of the Northwest Passage: The US-Japan alliances role in opening the Arctic to transshipment of commerce and the exploitation of resources." *International Studies Association 2010 Annual Convention*. pp.10,11.

¹⁹⁴ Sharp, pp.311,312.

¹⁹⁵ Kraska, pp.1124.

¹⁹⁶ Ibid, pp.1125.

Canada can therefore best secure its interests under the framework of the International Maritime Organization (IMO). The IMO is the UN agency that specializes in developing standards for shipping and the oceans. This organization has already adopted dozens of treaties and hundreds of guidelines, codes, and recommendations, and Canada should lead efforts to create a regime that is applicable to the Arctic.¹⁹⁷

According to James Kraska, many of the treaties already in place can be strengthened and extended for application to the Arctic Ocean, and can thus accommodate Canada's sensitivities and concerns within a strong, stable framework that is universally accepted. For example, chapter V of the annexed regulations accommodates the establishment of ship-routing measures and reporting systems that can be made mandatory under IMO approval if justified by the volume of traffic or degree of risk.¹⁹⁸ This certainly seems to indicate that any country intending to use the Northwest Passage would have to help ensure that ship-routing and reporting measures were effective, which would be much cheaper and more productive than Canada's current arbitrary unilateral efforts. Kraska points out that the Guidelines for Ships Operating in Arctic Ice-Covered Waters could be strengthened, as well as made mandatory, which would allow Canada to control which types of vessels are approved to traverse the Northwest Passage.¹⁹⁹

Kraska also thinks that Canada could replicate its tough laws protecting marine ecology in a multilateral context through the International Convention for the Prevention of Pollution from Ships (MARPOL). This convention contains six appendixes that deal with oil pollution, chemical pollution, harmful substances in packaged form, sewage, garbage

¹⁹⁷ Ibid, pp.1129.

¹⁹⁸ Ibid.

¹⁹⁹ Ibid, pp.1130.

and air pollution. Other Conventions address the dumping of wastes at sea, as well as the right of coastal states to intervene if their coastline is under threat of pollution.²⁰⁰

These Conventions could certainly help allay fears that the well-being of Canada's Arctic ecosystem would no longer be in their hands.

Canada should also fight for a convention that addresses the concerns of the Arctic's indigenous population, as they need to have a voice in any type of planning which would have an adverse effect on their livelihood, as an international Northwest Passage regime surely would.

According to Kraska, the IMO has already proven to be an effective international organization when it comes to strengthening sovereignty, security, marine safety, and environmental protection through a process called the "Cooperative Mechanism." He points to the example of the Straits of Malacca and Singapore, and how the IMO helped the littoral nations of Indonesia, Malaysia and Singapore develop a governance regime to manage the straits.

After two years of negotiations between more than thirty nations, a groundbreaking agreement between the strait states and user states was reached that addressed cooperation in safety, security, and environmental protection in the straits. There is now a forum for regular dialogue, a committee to coordinate and manage specific projects, and a fund to receive and manage financial contributions. The agreement is supported by maritime powers such as Japan, the United Kingdom, and the United States.²⁰¹

²⁰⁰ Ibid.

²⁰¹ Ibid, pp.1132.

While Canada would certainly give up more sovereignty by going through the IMO in comparison with some of the other approaches, the fact is this is the most effective means of developing and monitoring the Northwest Passage in a realistic way. At the current rate, Canada would not be able to unilaterally accommodate the rapidly growing international interest in Arctic shipping routes. A multilateral effort through the IMO would ensure that Canada develops the Northwest Passage in a cost-effective, and organized manner. Moreover, this would be returning to what Canada has historically been known for in the diplomatic world- multilateral leadership. Liberal Internationalism has been Canada's most dominant foreign policy because it is the most effective one, and the Harper government's attempt at complex neorealism has not resulted in any substantial foreign policy gains, especially in the Arctic. Simply put, it is time to learn from history and return to Canada's liberal internationalist roots.

Conclusion

The main aim of this thesis has been to analyze Canada's current foreign policy, with a specific focus on its efforts to claim the Northwest Passage as internal waters, from a critical perspective. The eventual conclusion is that Canada should move away from the current complex neorealist approach it is taking and re-embrace liberal internationalism in order to formulate the most effective Northwest Passage policy.

While the complex neorealist approach in the Arctic has won political points in the media for Prime Minister Harper's government, it has very little diplomatic or economic success to show. In fact, the strategy has instead had a negative effect, damaging diplomatic relations with the United States, the European Union, and Russia among others. It has also led to ambitious promises of a unilaterally run Northwest Passage that the Canadian government cannot afford to manage in any effective manner. Continuing with this strategy will likely hurt Canada's Arctic ambitions rather than achieve them.

Canada therefore needs to return to its liberal internationalist foreign policy roots. In the past, multilateralism is what made Canada successful in international relations, and abandoning it under the illusion that Canada has become a principle power is not a constructive strategy in the north. While there is a nationalistic temptation for Canada to claim sole ownership over the Passage, the reality is that it would be managed much more effectively as an international strait. While this may seem like a loss, it is actually more cost-effective and beneficial to Canada in comparison to the considerable economic burden of managing the strait unilaterally. Further, if more private and state actors are contributing to development and security of the strait, it is likely that other industries in the Canadian Arctic will greatly benefit at a faster rate.

Chapter one of this thesis went over Canada's history of the Arctic from the 1845 Franklin expedition until current day. It covered security dilemmas in the Northwest Passage like the Manhattan and Polar Sea voyages. It then discussed the emerging security implications that are a result of the melting ice and consequential growing of interests in Arctic resources and shipping lanes. It broke down these security implications by looking at some of the main Arctic players like Canada, United States, Russia, NATO, and the Arctic Council.

Chapter two looked at the potential economic benefits of a more accessible Arctic. Melting ice and new technologies are making a number of resources more exploitable. This includes oil and gas, mining, and alternative forms of energy. On the same token, northern shipping routes are becoming more viable, including the Northwest Passage. Additionally, since the Northwest Passage goes through the Canadian Arctic Archipelago, Canada stands to benefit substantially from increased use and development of the Passage. While there is expected to be mostly destination shipping in the area in the near future, international shipping through Canada's north will continue to increase as the ice continues to melt a faster rate.

Chapter three examined the challenges to developing the Canadian Arctic. It demonstrated that there are substantial environmental risks, since the Arctic is one of the most fragile ecosystems on earth and even a single oil spill could have a disastrous impact. This risk is increased twofold due to the fact that the indigenous people's culture and way of life relies heavily on the Arctic coastline, and therefore they need to have a say in any plan to develop the Northwest Passage. The chapter then focused on the critical issue of the lack of infrastructure in Canada's Arctic. Any kind of development in

the Passage is going to require an effective network of infrastructure throughout the Arctic Archipelago. Other barriers to developing the Passage were also discussed, such as dangerous multi-year ice, lack of capable icebreakers, lack of effective surveillance and radar capability, and the unpredictability of annual ice-patterns.

Chapter four went over the three prevailing theoretical perspectives of Canadian foreign policy. The first theory discussed was the peripheral dependency theory. This theory asserts that Canada is a small, penetrated power that mostly mimics the foreign policy of the United States. However, there are many holes in this theory, including its seemingly intentional ignorance of Canada's relations with other countries and the role it plays in international organizations. The second theory examined was liberal internationalism, which was pioneered by Lester B. Pearson and regarded Canada as a middle power that strongly advocates more legislative power in international institutions for middle and smaller powers. The central pillar of liberal internationalism is multilateralism, and this thesis argues that this is the best platform on which to push forward Canadian Arctic interests. The third theory is complex neorealism, which asserts that Canada is a principle power on the rise, with a heavy interest in staying in the top tier of the global order. This thesis argues that the current Canadian government being run by Prime Minister Stephen Harper is executing this form of foreign policy in the Arctic to no avail.

Chapter five starts by advocating for a return to multilateralism in Canada's Arctic policy. Canada has historically been a leader in multilateralism and could therefore make huge contributions to improving cooperation in Arctic development. Continuing to turn away from multilateralism by blocking other states from participating in Arctic related forums is counterproductive and hypocritical of Canada. The chapter then goes over several

platforms that Canada can go through in order to secure an internationally recognized Northwest Passage policy. The first platform discussed is the option of going through the International Court of Justice and basing a case on the precedent set by the *Anglo-Norwegian Fisheries Case*. While Canada would have a good chance of winning this case and having international law recognize the Northwest Passage as Canadian internal waters, it is unlikely that the United States would accept the decision. Moreover, it has been pointed out several times in this project that Canada is not capable of managing the Passage unilaterally. The next option discussed was to use the Arctic Council as a platform. However, the Council does not have the legislative power to broker such a deal, and is unlikely to have any in the near future with strong opposition from the United States persisting. The final option discussed was for Canada to go through the International Maritime Organization. While this option would require Canada to make some sacrifices and recognize the Passage as an international strait, it would be the most cost effective and beneficial strategy for Canada on all fronts considered. After closely examining the options, it seems that Canada needs to swallow its pride and accept that the Northwest Passage is better off as an international strait. Stefansson's prophecy of the path of supremacy's northward movement seems to be occurring, and the best way for Canada to take advantage is through embracing multilateralism through a liberal internationalist foreign policy once again.

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